

NORTH CAROLINA GENERAL ASSEMBLY
JOINT COMMITTEE ON REDISTRICTING

TRANSCRIPT OF THE PROCEEDINGS

In Raleigh, North Carolina
Tuesday, February 16, 2016
Reported by Carol M. Smith

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Raleigh, NC 27624
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<p style="text-align: right;">2</p> <p>1 SEN. RUCHO: Let's come to order for a 2 few moments. Would everybody please take their 3 seats? We're going to have about a 10- or 15- 4 minute break to get some papers printed up and 5 ready to go as a part of our agenda, but what we 6 will do first is identify the Sergeant-at-Arms that 7 are here today. We've got -- for the House side, 8 we've got Reggie Sills, Marvin Lee, David Layden 9 and Terry McCraw, and then we've got our Senate 10 Sergeant-at-Arms Jim Hamilton, Ed Kesler and Hal 11 Roach. These folks help us make this meeting 12 organized and run efficiently, and we wouldn't be 13 able to do a good job without them. 14 I appreciate everybody yesterday coming 15 out and helping us accomplish our public hearing. 16 We had a lot of good thoughts and advice, and I 17 hope that you've taken some time to read the public 18 comments that came over the Internet so that we can 19 be able to talk about the subject matter on an 20 intelligent level. 21 Representative Lewis and I want to again 22 remark about the fact that the staff has done a 23 remarkable job for us in putting together 24 yesterday's public hearing and this meeting, and 25 the IT folks were miracle workers in trying to</p>	<p style="text-align: right;">4</p> <p>1 SEN. MCKISSICK: Here. 2 CLERK: Senator Smith? 3 SEN. SMITH: Here. 4 CLERK: Senator Smith-Ingram? 5 SEN. SMITH-INGRAM: Present. 6 CLERK: Senator Wells? 7 SEN. WELLS: Here. 8 CLERK: Senator Blue? 9 SEN. BLUE: Here. 10 CLERK: Senator Ford? 11 (No response.) 12 CLERK: Senator Ford? 13 (No response.) 14 CLERK: Senator Wade? 15 (No response.) 16 CLERK: Senator Barefoot? 17 SEN. BAREFOOT: Here. 18 CLERK: Senator Randleman? 19 SEN. RANDLEMAN: Here. 20 CLERK: Senator Jackson? 21 SEN. JACKSON: Here. 22 CLERK: Representative Lewis? 23 REP. LEWIS: Here. 24 CLERK: Representative Jones? 25 REP. JONES: Here.</p>
<p style="text-align: right;">3</p> <p>1 coordinate six sites plus Raleigh to do a good job 2 and allow us to be able to reach out across the 3 state with this public hearing that is -- that was 4 yesterday, and it was successful, and we're 5 thrilled that they could do such a good job for us. 6 All right, the first point -- and I'm 7 going to have Mr. Verbiest, our clerk, do a roll 8 call, and would you just, as your name is 9 mentioned, please recognize it, or if we hear 10 quiet, we know you're not here. 11 CLERK: Senator Sanderson? 12 SEN. SANDERSON: Present. 13 CLERK: Senator Brown? 14 SEN. BROWN: Here. 15 CLERK: Senator Apodaca? 16 (No response.) 17 CLERK: Senator Clark? 18 SEN. CLARK: Present. 19 CLERK: Senator Harrington? 20 SEN. HARRINGTON: Here. 21 CLERK: Senator Hise? 22 SEN. HISE: Here. 23 CLERK: Senator Lee? 24 SEN. LEE: Here. 25 CLERK: Senator McKissick?</p>	<p style="text-align: right;">5</p> <p>1 CLERK: Representative Hager? 2 REP. HAGER: Here. 3 CLERK: Representative Stevens? 4 REP. STEVENS: Here. 5 CLERK: Representative Hurley? 6 REP. HURLEY: (No response.) 7 CLERK: Representative Stam? 8 REP. STAM: Here. 9 CLERK: Representative Jordan? 10 REP. JORDAN: Here. 11 CLERK: Representative Johnson? 12 REP. JOHNSON: Here. 13 CLERK: Representative Brawley? 14 REP. BRAWLEY: Present. 15 CLERK: Representative Hardister? 16 REP. HARDISTER: Here. 17 CLERK: Representative Davis? 18 REP. DAVIS: Here. 19 CLERK: Representative McGrady? 20 REP. MCGRADY: Here. 21 CLERK: Representative Michaux? 22 REP. MICHAUX: Here. 23 CLERK: Representative Cotham? 24 REP. COTHAM: Here. 25 CLERK: Representative Hanes?</p>

<p style="text-align: right;">6</p> <p>1 REP. HANES: Here.</p> <p>2 CLERK: Representative Moore?</p> <p>3 REP. MOORE: Here.</p> <p>4 CLERK: Representative Farmer-</p> <p>5 Butterfield?</p> <p>6 REP. FARMER-BUTTERFIELD: Here.</p> <p>7 CLERK: Representative Dixon?</p> <p>8 (No response.)</p> <p>9 CLERK: Representative Hurley?</p> <p>10 REP. HURLEY: Right here.</p> <p>11 CLERK: Thank you.</p> <p>12 SEN. RUCHO: And I think my name was</p> <p>13 omitted, so I might just mention the fact that I'm</p> <p>14 here today --</p> <p>15 CLERK: Yes. Sorry.</p> <p>16 SEN. RUCHO: -- despite a long day</p> <p>17 yesterday. All right.</p> <p>18 We've got some work to do today. We've</p> <p>19 got just about 15 minutes, and may I ask you to</p> <p>20 just stay at ease for about 15 minutes, and then we</p> <p>21 will begin the meeting and have a full agenda</p> <p>22 before us.</p> <p>23 Representative Lewis, do you have any</p> <p>24 other thoughts or comments you'd like to share?</p> <p>25 REP. LEWIS: No.</p>	<p style="text-align: right;">8</p> <p>1 so under the circumstances, we are taking a</p> <p>2 precaution, and we anticipate some reaction from</p> <p>3 the Supreme Court on the motion for stay which will</p> <p>4 allow the election to continue forward, and then</p> <p>5 allow the court case to continue on its normal</p> <p>6 course, which would be, in my judgment, a better</p> <p>7 way to go, since the election has already been</p> <p>8 started, and we don't want to disenfranchise the</p> <p>9 voters in any manner.</p> <p>10 That being said, we are going to begin</p> <p>11 our agenda. Representative Lewis, would you have</p> <p>12 any comments at this time?</p> <p>13 REP. LEWIS: No, sir.</p> <p>14 SEN. RUCHO: No? Okay. Then we're going</p> <p>15 to go on to the second, which is discussion of the</p> <p>16 criteria of the 2016 Contingent Congressional Maps,</p> <p>17 and what these are, are criteria as to how these</p> <p>18 maps should be drawn to try to meet the</p> <p>19 requirements imposed by the Court and also remain</p> <p>20 within the legal limits of the law. Representative</p> <p>21 Lewis?</p> <p>22 REP. LEWIS: Mr. Chairman, ladies and</p> <p>23 gentlemen of the Joint Select Committee on</p> <p>24 Congressional Redistricting and members of the</p> <p>25 public, I too would like to offer a brief</p>
<p style="text-align: right;">7</p> <p>1 SEN. RUCHO: Okay. Then just at ease for</p> <p>2 about 10 to 15 minutes. Thank you.</p> <p>3 (DISCUSSION OFF RECORD)</p> <p>4 SEN. RUCHO: Spend a few minutes taking a</p> <p>5 look at that, and see from its beginning on through</p> <p>6 the latest maps what has transpired. I think it</p> <p>7 would be very educational. Thank you.</p> <p>8 (RECESS, 10:14 - 10:23 A.M.)</p> <p>9 SEN. RUCHO: All right, let's call this</p> <p>10 Joint Select Committee on Redistricting back into</p> <p>11 order. You have a copy of the agenda before you,</p> <p>12 and there's just one correction on the agenda. On</p> <p>13 the right quadrant, under Senate, it had Harry</p> <p>14 Warren. It should be Senator Harry Brown, so fix</p> <p>15 that. Okay.</p> <p>16 Well, yesterday we had a chance to have a</p> <p>17 public hearing, and I think each of you knows that</p> <p>18 the General Assembly, based on the Harris case,</p> <p>19 there was an opinion given by the three-judge</p> <p>20 panel, and we are responding to that. We still</p> <p>21 believe that the maps that are presently enacted</p> <p>22 are fair, legal, and constitutional, as has been</p> <p>23 validated by five different bodies, including the</p> <p>24 Justice Department, including a three-judge panel,</p> <p>25 including the Supreme Court on three occasions, and</p>	<p style="text-align: right;">9</p> <p>1 historical perspective on what brings us here</p> <p>2 today.</p> <p>3 In 2011, after the release of the Census,</p> <p>4 this General Assembly set out to create fair and</p> <p>5 legal Congressional districts. In doing so, the</p> <p>6 2011 process included an unprecedented number of</p> <p>7 public hearings, 36 scheduled before the release of</p> <p>8 the maps, 7 after the release of our original</p> <p>9 proposed districts, 10 dedicated to receiving</p> <p>10 public comment on the release of the entire plan,</p> <p>11 and an additional 10 after the release of our</p> <p>12 respective proposals for the legislative districts.</p> <p>13 Additionally, we provided easy public</p> <p>14 access for public comment via the North Carolina</p> <p>15 General Assembly Web site, and invited additional</p> <p>16 written comments through both e-mail and the US</p> <p>17 Postal Service. Senator Rucho and I thank the</p> <p>18 thousands of citizens who exercised their right to</p> <p>19 offer comments at that set of public hearings or</p> <p>20 submit written comments. All of those comments</p> <p>21 were reviewed by the chairs and preserved as a</p> <p>22 permanent record of citizen input on this important</p> <p>23 task.</p> <p>24 We also took back then the unprecedented</p> <p>25 step of providing the leadership of the minority</p>

<p style="text-align: right;">10</p> <p>1 parties in the House and the Senate and the</p> <p>2 Legislative Black Caucus specialized computer</p> <p>3 hardware and software in their respective offices,</p> <p>4 along with staff support which was available to all</p> <p>5 members. The 2011 General Assembly did ultimately</p> <p>6 adopt redistricting plans, as I recall, largely</p> <p>7 along party lines, as unfortunately, so many items</p> <p>8 here are decided.</p> <p>9 For purposes of my discussion today, I</p> <p>10 will refer to the 2011 plans as the enacted plans.</p> <p>11 The enacted congressional redistricting plan of</p> <p>12 2011 was first precleared by the United States</p> <p>13 Department of Justice, as was required by Section 5</p> <p>14 of the Voting Rights Act. The enacted</p> <p>15 Congressional redistricting plan was then</p> <p>16 challenged in state courts through what is known as</p> <p>17 the Dixon versus Rucho case. The plan was affirmed</p> <p>18 by a three-judge panel and by the North Carolina</p> <p>19 Supreme Court.</p> <p>20 The enacted Congressional redistricting</p> <p>21 plan has been used to elect members of the US House</p> <p>22 of Representatives in 2012 and 2014, and has also</p> <p>23 seen citizens file for election in each of the 13</p> <p>24 districts this year. Further, voting has begun,</p> <p>25 and we are informed by the State Board of Elections</p>	<p style="text-align: right;">12</p> <p>1 70 speakers participating. There were also more</p> <p>2 than 80 comments submitted online.</p> <p>3 The chairs thank all the citizens who</p> <p>4 participated yesterday. The chair reminds the</p> <p>5 members that the written comments have been placed</p> <p>6 on the General Assembly's Web site, and a link e-</p> <p>7 mailed to each of your e-mail accounts.</p> <p>8 Mr. Chairman, at your direction, I would</p> <p>9 like to submit to the committee a series of</p> <p>10 proposals to establish criteria for the drawing of</p> <p>11 the 2016 contingent Congressional map.</p> <p>12 SEN. RUCHO: Yes, sir, Chairman Lewis.</p> <p>13 You can begin and go through the rotation as -- as</p> <p>14 you planned.</p> <p>15 REP. LEWIS: Mr. Chairman, I'd like staff</p> <p>16 to distribute the 2016 Congressional -- pardon</p> <p>17 me -- the 2016 contingent Congressional plan</p> <p>18 proposed criteria, beginning with "Equal</p> <p>19 Population," to the members.</p> <p>20 SEN. RUCHO: Sergeant-at-Arms will be</p> <p>21 passing this out, and we're going to take our time,</p> <p>22 read it thoroughly, and then -- so Representative</p> <p>23 Lewis will explain it, and then we'll debate each</p> <p>24 of them as we move forward. (Pause.)</p> <p>25 Has everyone received a copy of the first</p>
<p style="text-align: right;">11</p> <p>1 that more than 16,000 citizens have already</p> <p>2 requested to vote by mail.</p> <p>3 Unfortunately, the enacted plan was</p> <p>4 challenged again in what is known as the Harris</p> <p>5 versus McCrory case. In that decision, in which we</p> <p>6 respectfully disagree with the three-judge panel,</p> <p>7 it was found that the 1st Congressional District</p> <p>8 and the 12th Congressional District are racial</p> <p>9 gerrymanders, and they ordered new maps be drawn by</p> <p>10 February 19th, and that the election for US House</p> <p>11 not be held under the current maps.</p> <p>12 While, as Chairman Rucho said, we are</p> <p>13 confident that a stay of this decision, which</p> <p>14 interrupts an election already in progress, will be</p> <p>15 granted, and that the enacted map will ultimately</p> <p>16 be upheld on appeal, we are required to begin the</p> <p>17 process of drawing a 2016 contingent Congressional</p> <p>18 map. I reiterate that while the 2011 plan was</p> <p>19 dictated by the Cromartie and Strickland decisions</p> <p>20 of the US Supreme Court, we will move forward to</p> <p>21 establish a plan based on the Harris opinion.</p> <p>22 The process -- this process began with</p> <p>23 the appointment of this joint select committee, and</p> <p>24 continued yesterday with the public hearings held</p> <p>25 in six locations across the state, with more than</p>	<p style="text-align: right;">13</p> <p>1 one? They're not in any order as far as priorities</p> <p>2 or anything. They're just going to be set forward.</p> <p>3 VARIOUS COMMITTEE MEMBERS: No, no.</p> <p>4 SEN. RUCHO: Okay. Hang on. This first</p> <p>5 one is called "Equal Population." (Pause.)</p> <p>6 All right, does everyone have a copy</p> <p>7 that -- now, let's be clear. Ladies and gentlemen</p> <p>8 in the audience, the members of the committee will</p> <p>9 be participating within this meeting. I know we</p> <p>10 have a number of members that have come here with</p> <p>11 interest, and we're delighted to have them, and</p> <p>12 recognize that every member that is here can submit</p> <p>13 a reimbursement form, but the people that are on</p> <p>14 the committee will be the ones participating in</p> <p>15 today's business activity of this committee</p> <p>16 meeting.</p> <p>17 All right, Representative Lewis, first</p> <p>18 one.</p> <p>19 REP. LEWIS: Mr. Chairman, as I explain</p> <p>20 this one, I would request that the Sergeant-at-Arms</p> <p>21 go ahead and distribute the second one, which is</p> <p>22 entitled "Contiguity."</p> <p>23 Mr. Chairman, the first criteria that I</p> <p>24 would urge the committee to adopt is that each</p> <p>25 district should be of equal population. This is</p>

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<p>1 pretty self-explanatory. This is in line with one 2 person, one vote. It simply says, as members can 3 read, that the number of persons in each 4 Congressional district shall be as near equal as 5 practicable, as determined under the most recent 6 Census, which of course would be the 2010 Census. 7 Mr. Chairman, I move adoption of this criteria. 8 REP. STEVENS: Are you waiting for a 9 second? 10 SEN. RUCHO: I've got a motion from 11 Representative Lewis to move forward with this 12 adoption of this first equal -- equal population. 13 Representative Stevens, thank you. We've got a 14 second. Discussion, ladies and gentlemen? 15 (No response.) 16 SEN. RUCHO: All right, I see none. All 17 in favor of the adoption of the equal population -- 18 yes. I'll go back. We're going to go ahead and 19 we're going to do roll-call vote on this. And so 20 I'm saying we're going to have a roll call from the 21 clerk on the equal population. Please identify -- 22 or just say "Aye" or "Nay," please. Mr. Verbiest? 23 CLERK: Senator Rucho? 24 SEN. RUCHO: Aye. 25 CLERK: Chairman Lewis?</p>	<p>1 CLERK: Representative Jordan? 2 REP. JORDAN: Aye. 3 CLERK: Representative McGrady? 4 REP. MCGRADY: Aye. 5 CLERK: Representative Michaux? 6 REP. MICHAUX: No. 7 CLERK: Representative Moore? 8 REP. MOORE: Aye. 9 CLERK: Representative Stam? 10 REP. STAM: Aye. 11 CLERK: Representative Stevens? 12 REP. STEVENS: Aye. 13 CLERK: Representative Dixon? 14 (No response.) 15 SEN. RUCHO: You do have Senator Apodaca 16 is here now? 17 CLERK: Yes, I do. 18 SEN. RUCHO: Okay. 19 CLERK: Senator Apodaca? 20 SEN. APODACA: Aye. 21 CLERK: Senator Barefoot? 22 SEN. BAREFOOT: Aye. 23 CLERK: Senator Blue? 24 SEN. BLUE: Aye. 25 CLERK: Senator Brown?</p>
15	17
<p>1 REP. LEWIS: Aye. 2 CLERK: Representative Jones? 3 REP. JONES: Aye. 4 CLERK: Representative Brawley? 5 REP. BRAWLEY: Aye. 6 CLERK: Representative Cotham? 7 REP. COTHAM: Aye. 8 CLERK: Representative Davis? 9 REP. DAVIS: Aye. 10 CLERK: Representative Farmer- 11 Butterfield? 12 REP. FARMER-BUTTERFIELD: Aye. 13 CLERK: Representative Hager? 14 REP. HAGER: Aye. 15 SEN. RUCHO: Please speak up, please. 16 CLERK: Representative Hanes? 17 REP. HANES: Aye. 18 CLERK: Representative Hardister? 19 REP. HARDISTER: Aye. 20 CLERK: Representative Hurley? 21 REP. HURLEY: Aye. 22 CLERK: Representative Jackson? 23 REP. JACKSON: Aye. 24 CLERK: Representative Johnson? 25 REP. JOHNSON: Aye.</p>	<p>1 SEN. BROWN: Aye. 2 CLERK: Senator Clark? 3 SEN. CLARK: Aye. 4 CLERK: Senator Ford? 5 (No response.) 6 CLERK: Senator Harrington? 7 SEN. HARRINGTON: Aye. 8 CLERK: Senator Hise? 9 SEN. HISE: Aye. 10 CLERK: Senator Jackson? 11 SEN. JACKSON: Aye. 12 CLERK: Senator Lee? 13 SEN. LEE: Aye. 14 CLERK: Senator McKissick? 15 SEN. MCKISSICK: Aye. 16 CLERK: Senator Randleman? 17 SEN. RANDLEMAN: Aye. 18 CLERK: Senator Sanderson? 19 SEN. SANDERSON: Aye. 20 CLERK: Senator Smith? 21 SEN. SMITH: Aye. 22 CLERK: Senator Smith-Ingram? 23 SEN. SMITH-INGRAM: Aye. 24 CLERK: Senator Wade? 25 (No response.)</p>

<p style="text-align: right;">18</p> <p>1 CLERK: Senator Wells?</p> <p>2 SEN. WELLS: Aye.</p> <p>3 CLERK: Only one nay.</p> <p>4 SEN. RUCHO: Okay. Ladies and gentlemen,</p> <p>5 we had the roll vote, and there was just one</p> <p>6 negative, so the first criteria establishing equal</p> <p>7 population has passed. All right. Representative</p> <p>8 Lewis?</p> <p>9 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>10 Mr. Chairman, the next criteria I propose the</p> <p>11 committee adopt -- adopt is "Contiguity." This</p> <p>12 simply says that --</p> <p>13 REP. STEVENS: Mr. Chairman, we don't</p> <p>14 have copies of it yet.</p> <p>15 SEN. RUCHO: I'm sorry? Please repeat</p> <p>16 that again. You don't have the second?</p> <p>17 REP. STEVENS: I do not have a copy, and</p> <p>18 perhaps I'm sitting a little out of the way.</p> <p>19 SEN. RUCHO: Okay. Sergeant-at-Arms,</p> <p>20 would someone please get the contiguity criteria?</p> <p>21 REP. LEWIS: Mr. Chairman, if it pleases</p> <p>22 the Chair, I would respectfully request that -- the</p> <p>23 next criteria I intend to offer is "Political</p> <p>24 Data." If that could be distributed to the</p> <p>25 committee, perhaps to save a little time?</p>	<p style="text-align: right;">20</p> <p>1 REP. LEWIS: Senator Blue, thank you for</p> <p>2 that question. Let me be clear that it does not,</p> <p>3 and I would be opposed to any form of single-point</p> <p>4 contiguity has been ruled as not a legal form of</p> <p>5 mapmaking in the past.</p> <p>6 SEN. RUCHO: Follow-up?</p> <p>7 SEN. BLUE: Does it contemplate any</p> <p>8 minimal distance on the water that is used to</p> <p>9 determine that geographically, areas are</p> <p>10 contiguous?</p> <p>11 REP. LEWIS: Senator Blue, I don't</p> <p>12 believe it contemplates the Atlantic Ocean, but, I</p> <p>13 mean, as you know, sir, we have beautiful sounds in</p> <p>14 our state that that is a community, and so the</p> <p>15 water -- I can't give you an exact -- an exact</p> <p>16 definition of how much water is too much water.</p> <p>17 SEN. BLUE: Last point.</p> <p>18 SEN. RUCHO: Follow-up?</p> <p>19 SEN. BLUE: Does it contemplate the point</p> <p>20 in the Cape Fear River in one of your counties</p> <p>21 that's currently used as a basis for connecting</p> <p>22 geographically parts of the 4th Congressional</p> <p>23 District?</p> <p>24 REP. LEWIS: Senator Blue, I appreciate</p> <p>25 that inquiry. I would -- I would point out that</p>
<p style="text-align: right;">19</p> <p>1 SEN. RUCHO: Okay, that's fine.</p> <p>2 Sergeant-at-Arms, would you please distribute the</p> <p>3 third criteria, which is "Political Data"?</p> <p>4 Representative Lewis, would you want staff to read</p> <p>5 this, the specifics as they're presented, or do you</p> <p>6 prefer to do it yourself?</p> <p>7 REP. LEWIS: Mr. Chairman, are you trying</p> <p>8 to imply I can't say "contiguity"?</p> <p>9 (Laughter.)</p> <p>10 SEN. RUCHO: That is a mouthful. I agree</p> <p>11 with you. All right. We have before us -- would</p> <p>12 you please read this first -- or the second,</p> <p>13 "Contiguity"?</p> <p>14 MS. CHURCHILL: "Contiguity:</p> <p>15 Congressional districts shall be comprised of</p> <p>16 contiguous territory. Contiguity by water is</p> <p>17 sufficient."</p> <p>18 SEN. RUCHO: Representative Lewis?</p> <p>19 REP. LEWIS: Members, this is a standard</p> <p>20 redistricting practice, and I would move the</p> <p>21 adoption of the criteria by the committee.</p> <p>22 SEN. RUCHO: All right. Senator Blue?</p> <p>23 SEN. BLUE: Question of Representative</p> <p>24 Lewis: Does this contemplate single-point</p> <p>25 contiguity in water?</p>	<p style="text-align: right;">21</p> <p>1 there is an island there, so there is actually land</p> <p>2 in the middle of the Cape Fear, that exact point</p> <p>3 that you're referring to, but I would have to say</p> <p>4 that I do not believe that that is the intent of</p> <p>5 this.</p> <p>6 SEN. RUCHO: Senator Smith, did you have</p> <p>7 a question?</p> <p>8 SEN. SMITH: No.</p> <p>9 SEN. RUCHO: Oh, okay. Any additional</p> <p>10 questions or comments on the contiguity criteria?</p> <p>11 (No response.)</p> <p>12 SEN. RUCHO: Seeing none, all right, Mr.</p> <p>13 Verbiest, would you do roll call again?</p> <p>14 CLERK: Representative Lewis?</p> <p>15 REP. LEWIS: Aye.</p> <p>16 CLERK: Representative Jones?</p> <p>17 REP. JONES: Aye.</p> <p>18 CLERK: Representative Brawley?</p> <p>19 REP. BRAWLEY: Aye.</p> <p>20 CLERK: Representative Cotham?</p> <p>21 REP. COTHAM: Aye.</p> <p>22 CLERK: Representative Davis?</p> <p>23 REP. DAVIS: Aye.</p> <p>24 CLERK: Representative Farmer-</p> <p>25 Butterfield?</p>

<p style="text-align: right;">22</p> <p>1 REP. FARMER-BUTTERFIELD: Aye. 2 CLERK: Representative Hager? 3 REP. HAGER: Aye. 4 CLERK: Representative Hanes? 5 REP. HANES: Aye. 6 CLERK: Representative Hardister? 7 REP. HARDISTER: Aye. 8 CLERK: Representative Hurley? 9 REP. HURLEY: Aye. 10 CLERK: Representative Jackson? 11 REP. JACKSON: Aye. 12 CLERK: Representative Johnson? 13 REP. JOHNSON: Aye. 14 CLERK: Representative Jordan? 15 REP. JORDAN: Aye. 16 CLERK: Representative McGrady? 17 REP. MCGRADY: Aye. 18 CLERK: Representative Michaux? 19 REP. MICHAUX: Aye. 20 CLERK: Representative Moore? 21 REP. MOORE: Aye. 22 CLERK: Representative Stam? 23 REP. STAM: Aye. 24 CLERK: Representative Stevens? 25 REP. STEVENS: Aye.</p>	<p style="text-align: right;">24</p> <p>1 CLERK: Senator Sanderson? 2 SEN. SANDERSON: Aye. 3 CLERK: Senator Smith? 4 SEN. SMITH: Aye. 5 CLERK: Senator Smith-Ingram? 6 SEN. SMITH-INGRAM: Aye. 7 CLERK: Senator Waddell? 8 (No response.) 9 CLERK: Senator Wade? 10 (No response.) 11 CLERK: Senator Wells? 12 SEN. WELLS: Aye. 13 SEN. RUCHO: Any against? 14 CLERK: Unanimous. 15 SEN. RUCHO: All right, members of the 16 committee, the criterion on contiguity passed 17 unanimously and was adopted unanimously. All 18 right. 19 REP. LEWIS: Mr. Chairman, I'd like to -- 20 SEN. RUCHO: Mr. Lewis, you've got 21 "Political Data" before you, and you would like the 22 next criteria sent out to the members? 23 REP. LEWIS: Mr. Chairman, if we could, 24 let's do "Political Data," and then we'll move on 25 to the next one. Let's not distribute --</p>
<p style="text-align: right;">23</p> <p>1 CLERK: Senator Rucho? 2 SEN. RUCHO: Aye. 3 CLERK: Senator Apodaca? 4 SEN. APODACA: Aye. 5 CLERK: Senator Barefoot? 6 SEN. BAREFOOT: Aye. 7 CLERK: Senator Blue? 8 SEN. BLUE: Aye. 9 CLERK: Senator Brown? 10 SEN. BROWN: Aye. 11 CLERK: Senator Clark? 12 SEN. CLARK: Aye. 13 CLERK: Senator Harrington? 14 SEN. HARRINGTON: Aye. 15 CLERK: Senator Hise? 16 SEN. HISE: Aye. 17 CLERK: Senator Jackson? 18 SEN. JACKSON: Aye. 19 CLERK: Senator Lee? 20 SEN. LEE: Aye. 21 CLERK: Senator McKissick? 22 SEN. MCKISSICK: Aye. 23 CLERK: Senator Sandleman? Senator 24 Randleman? I'm sorry. 25 SEN. RANDLEMAN: Aye.</p>	<p style="text-align: right;">25</p> <p>1 SEN. RUCHO: All right. So you want to 2 just take care of that. Would -- Ms. Churchill, 3 would you read the one on political data, please? 4 MS. CHURCHILL: "Political Data: The 5 only data other than population data to be used to 6 construct Congressional districts shall be election 7 results in statewide contests since 2008, not 8 including the last two Presidential contests. Data 9 identifying the race of individuals or voters shall 10 not be used in the construction or consideration of 11 districts in the 2016 contingent Congressional 12 plan. Voting districts, referred to as VTDS, 13 should be split only when necessary to comply with 14 the zero deviation population requirements set 15 forth above in order to ensure the integrity of 16 political data." 17 SEN. RUCHO: All right. Representative 18 Lewis, that is before the committee. 19 REP. LEWIS: Mr. Chairman, I -- 20 SEN. RUCHO: Let him explain it, please. 21 REP. LEWIS: I believe it explains 22 itself. I'll be happy to yield to -- 23 SEN. RUCHO: All right. Question, 24 Senator Blue? 25 SEN. BLUE: Yeah. This might be one for</p>

<p style="text-align: right;">26</p> <p>1 the staff, Mr. Chairman.</p> <p>2 SEN. RUCHO: All right. Staff?</p> <p>3 SEN. BLUE: The second -- the second full</p> <p>4 paragraph, can you restrict -- and I think I know</p> <p>5 where you're trying to go to, but can you restrict</p> <p>6 the use of race in drawing the two districts in</p> <p>7 question and be in conformity with the Voting</p> <p>8 Rights Act as the Court enunciated in its decision</p> <p>9 several weeks ago?</p> <p>10 SEN. RUCHO: Representative Lewis, do you</p> <p>11 want to respond to that?</p> <p>12 REP. LEWIS: Mr. Chairman, thank you.</p> <p>13 Senator Blue, I appreciate that inquiry. It is my</p> <p>14 understanding and reading of the opinion that race</p> <p>15 is not to be a factor in drawing the districts.</p> <p>16 Adoption of this criteria would mean that the ISD</p> <p>17 staff of the General Assembly would be instructed</p> <p>18 to establish computers, and I believe the software</p> <p>19 is called Mapitude, and the staff would be</p> <p>20 instructed not to include race as a field that</p> <p>21 could be used to draw districts.</p> <p>22 I'll go one step further and say</p> <p>23 respectfully that race was not considered when the</p> <p>24 General Assembly passed the 12th District of the</p> <p>25 enacted plan, but the Court still questioned its</p>	<p style="text-align: right;">28</p> <p>1 what you're trying to do here, but I think it's an</p> <p>2 insult to their intelligence to take this approach,</p> <p>3 and I think that they will show you the ultimate</p> <p>4 power of the federal judiciary that's existed since</p> <p>5 1802 in Marbury versus Madison if you do this.</p> <p>6 REP. LEWIS: Respectfully, sir, it would</p> <p>7 never be my intent to offend or to question the</p> <p>8 dignity of the office of a federal judge. If</p> <p>9 anything I said hitherunto has done that, I</p> <p>10 apologize; however, it is my understanding that</p> <p>11 when we drew the enacted plan, we applied the</p> <p>12 Cromartie and Strickland decisions as best we knew</p> <p>13 how to do in drawing the 1st. We did not use race</p> <p>14 when we drew the 12th.</p> <p>15 The Court has found those both to be</p> <p>16 racial gerrymanders. It would be my -- they also</p> <p>17 found, based on my reading of the opinion -- I'm</p> <p>18 certainly not spitting in their face; I'm trying to</p> <p>19 read what they said -- that there's not racially</p> <p>20 polarized voting. If that is indeed the case, then</p> <p>21 race should not be a factor.</p> <p>22 SEN. RUCHO: Smith-Ingram?</p> <p>23 Representative Smith-Ingram? I'm sorry. Before I</p> <p>24 do that, I -- Senator McKissick got me first.</p> <p>25 Please, Senator McKissick.</p>
<p style="text-align: right;">27</p> <p>1 use. This would contemplate that that data would</p> <p>2 not be available to mapmakers who make maps to</p> <p>3 comply with the Harris order.</p> <p>4 SEN. RUCHO: Follow-up?</p> <p>5 SEN. BLUE: You're saying that</p> <p>6 notwithstanding all of the jurisprudence in this</p> <p>7 area, at least that I've seen over the last 25, 30</p> <p>8 years, that you're going to draw minority districts</p> <p>9 without taking into account whether minorities are</p> <p>10 in the minority district?</p> <p>11 REP. LEWIS: Senator Blue, I believe the</p> <p>12 Harris opinion found that there was not racially</p> <p>13 polarized voting in the state, and therefore, the</p> <p>14 race of the voters should not be considered. My</p> <p>15 proposal would be that we use political data only,</p> <p>16 and do not use race to draw Congressional</p> <p>17 districts.</p> <p>18 SEN. BLUE: One last --</p> <p>19 SEN. RUCHO: Follow-up?</p> <p>20 SEN. BLUE: I long for the day, just like</p> <p>21 you do, Representative Lewis, when we can do that,</p> <p>22 and I hope it's sooner rather than later, but I</p> <p>23 don't think it's wise to spit in the eyes of three</p> <p>24 federal judges who control the fate of where we're</p> <p>25 going to go with redistricting, and I understand</p>	<p style="text-align: right;">29</p> <p>1 SEN. MCKISSICK: Sure. The thing that</p> <p>2 I'm deeply concerned about is that the Voting</p> <p>3 Rights Act and the courts have historically</p> <p>4 indicated that it's appropriate to use race in</p> <p>5 drawing Congressional districts, and I don't</p> <p>6 understand why we would abandon it as a criteria.</p> <p>7 From what I understand from reading the</p> <p>8 most recent decision, Harris versus McCrory, what</p> <p>9 they were concerned about was the fact that it was</p> <p>10 a predominant consideration, so there was an</p> <p>11 overconcentration of African-American voters</p> <p>12 because majority-minority districts were created,</p> <p>13 and I think that was what I understood to be the</p> <p>14 finding, the creation of these majority-minority</p> <p>15 districts, when historically the 1st and 12th</p> <p>16 districts could elect a candidate choice without</p> <p>17 being a majority-minority district. I think it</p> <p>18 would be a misreading of the case to say that race</p> <p>19 could not be used as a consideration.</p> <p>20 REP. LEWIS: Senator McKissick, as</p> <p>21 always, I appreciate your counsel. I would</p> <p>22 reiterate that in drawing of the 12th, race was not</p> <p>23 con- -- race was not a considered factor. In the</p> <p>24 drawing of the 1st, we attempted to comply with the</p> <p>25 Cromartie and Strickland cases, which we believed</p>

<p style="text-align: right;">30</p> <p>1 called for, and still believe called for the -- if 2 a district is drawn under the Voting Rights Act to 3 be a majority-minority district, that it contain a 4 majority of minorities. The Court has found that 5 racially polarized voting does not exist to the 6 extent to do that.</p> <p>7 During the trial, which I know Senator 8 Blue attended -- I don't remember who-all else was 9 there -- there was various testimony offered from 10 the stand of how much minority population is 11 enough. The judges were well aware that that 12 conversation had gone on from the stand. They 13 offered no guidance into how much minority 14 population should be used; therefore, I simply say 15 we draw the maps without using minority -- without 16 using any race considerations. That way, they 17 cannot -- the federal court will be clear that in 18 the construction of districts that we did not use 19 racial consideration if it's not even a factor that 20 can be selected on the computer.</p> <p>21 SEN. MCKISSICK: Follow-up, Mr. Chair? 22 SEN. RUCHO: Follow-up. 23 SEN. MCKISSICK: So how would you propose 24 that you comply with the requirements, say, of the 25 Voting Rights Act, which basically indicates that</p>	<p style="text-align: right;">32</p> <p>1 the trigger point to draw a VRA -- VRA district. 2 Therefore, if that is not the case, then we believe 3 the enacted maps should stand as they are. If 4 we're going to redraw the maps with the Harris 5 order, which says there's not racially polarized 6 voting, then we believe that race should not be a 7 consideration in drawing the maps.</p> <p>8 SEN. MCKISSICK: Follow-up, Mr. Chairman. 9 SEN. RUCHO: Follow-up. 10 SEN. MCKISSICK: Why would we not here 11 want to consider the election results of the 2008 12 and 2000 -- I guess '12 presidential elections? Is 13 there a specific reason why we want to exclude 14 those specific election results and include other 15 potential election results within that same general 16 time frame?</p> <p>17 REP. LEWIS: Yes, sir. 18 SEN. MCKISSICK: Because, I mean, the 19 thing that's obvious to anybody is we had an 20 African-American running for President in those two 21 election cycles. 22 REP. LEWIS: Yes, sir, and I don't recall 23 which pages it's on, but in the Harris opinion, one 24 of the judges wrote that using the 2008 25 Obama/McCain data was really a code for trying to</p>
<p style="text-align: right;">31</p> <p>1 you should create districts that allow minorities 2 to elect a candidate of choice if race is not an 3 appropriate consideration? I don't know how you 4 accomplish that objective without having it, 5 certainly not as the predominant consideration. I 6 would agree that cannot be done, and should not be 7 done, but I'm trying to understand how you do that 8 otherwise if you completely eliminate race as a 9 criteria that you look at in drafting the maps, and 10 then secondly -- and this shifts gears a little 11 bit -- why would we not want to consider the --</p> <p>12 SEN. RUCHO: Which question? Is this 13 your --</p> <p>14 SEN. MCKISSICK: Okay, yeah. 15 SEN. RUCHO: -- first question? 16 SEN. MCKISSICK: Yeah, first question. 17 SEN. RUCHO: Okay. 18 SEN. MCKISSICK: Go ahead, Representative 19 Lewis. Thank you, sir.</p> <p>20 REP. LEWIS: Senator, I believe that my 21 earlier answer that -- and I have a great deal of 22 respect for you. I understand that you are an 23 attorney, and I am not an attorney. It's my 24 reading of the case that the Court has found that 25 there was not racially polarized voting, which is</p>	<p style="text-align: right;">33</p> <p>1 use black versus white, so we simply say we 2 exclude -- we take that off the table. We can use 3 all the other ones.</p> <p>4 SEN. MCKISSICK: And I would suggest that 5 we should --</p> <p>6 SEN. RUCHO: Follow-up? 7 SEN. MCKISSICK: Yes. Thank you, Mr. 8 Chair. I would suggest that there's nothing 9 improper in considering those particular races 10 within a greater context of all races that we might 11 have used as benchmarks for consideration for the 12 performance of districts or how they might vote, 13 but I think to eliminate those specifically would 14 be an inappropriate criteria.</p> <p>15 I would have to go back to the decisions. 16 I think things can be used as code in combination 17 with other actions that are taken, like drawing 18 minority -- majority-minority districts, but yet 19 saying race is not a factor, and it was done for 20 political reasons. I think within the greater 21 context, perhaps the Court might have viewed it 22 that way, but if you identify this discretely as 23 being one parameter among many, I don't think that 24 that would be inappropriate to consider. 25 I find it fine -- you know, I don't think</p>

<p style="text-align: right;">34</p> <p>1 we need to go in there and split these precincts.</p> <p>2 I think splitting the precincts would probably be a</p> <p>3 code word for understanding that you could</p> <p>4 segregate voters out based upon race as well, so I</p> <p>5 mean, I have no problems not -- not going in there</p> <p>6 and splitting out these precincts, and I think</p> <p>7 keeping the voter tabulation districts as whole as</p> <p>8 possible is a good component, but I would be</p> <p>9 opposed to the elimination of consideration of the</p> <p>10 2008 and 2012 presidential data as well as other --</p> <p>11 any other racial data that would be provided in the</p> <p>12 normal data packages that for many, many years have</p> <p>13 always been used by this General Assembly in</p> <p>14 drawing these Congressional districts. Thank you,</p> <p>15 sir.</p> <p>16 REP. LEWIS: Mr. Chairman, respectfully,</p> <p>17 I --</p> <p>18 SEN. RUCHO: Yes, sir?</p> <p>19 REP. LEWIS: -- believe that was a</p> <p>20 statement, to which I'll just respond I</p> <p>21 respectfully disagree with the gentleman from</p> <p>22 Durham.</p> <p>23 SEN. RUCHO: All right. Thank you.</p> <p>24 Senator Smith-Ingram?</p> <p>25 SEN. SMITH-INGRAM: Thank you, Mr. Chair.</p>	<p style="text-align: right;">36</p> <p>1 SEN. SMITH-INGRAM: So I can assume from</p> <p>2 what you are saying that the only reason we had</p> <p>3 split counties and split precincts in the previous</p> <p>4 plan is because we were trying to meet the mandate</p> <p>5 of the zero deviation?</p> <p>6 REP. LEWIS: No, ma'am, that's not at all</p> <p>7 what I said. What this says is that -- what this</p> <p>8 says is in drawing the map, this contingent plan</p> <p>9 that we are -- that we are talking about is that</p> <p>10 the VTDs should be split only when necessary to</p> <p>11 comply with the zero deviation requirements. I was</p> <p>12 not at all speaking about the enacted map, in which</p> <p>13 I'm certain that some precincts and voting</p> <p>14 districts were split for political purposes.</p> <p>15 SEN. SMITH-INGRAM: Last follow-up, Mr.</p> <p>16 Chair.</p> <p>17 SEN. RUCHO: Last follow-up.</p> <p>18 SEN. SMITH-INGRAM: Just a statement. I</p> <p>19 understand that our voters across the state are</p> <p>20 very sophisticated; however, there was a lot of</p> <p>21 confusion created with the split counties and the</p> <p>22 split precincts, and so I just -- as we're moving</p> <p>23 forward, we need to be careful that they are not</p> <p>24 disenfranchised by that confusion. Thank you,</p> <p>25 Representative Lewis.</p>
<p style="text-align: right;">35</p> <p>1 In regards to the proposed criteria as it relates</p> <p>2 to the voting districts and the split, one of the</p> <p>3 concerns that resonated across the state, as shown</p> <p>4 in the hearings, and as we talked to constituents,</p> <p>5 particularly in the finger counties in</p> <p>6 Congressional District 1, there is some concern</p> <p>7 about precincts being split, and a lot of voter</p> <p>8 confusion because of split counties and split</p> <p>9 precincts. Do you think the language in the last</p> <p>10 sentence goes far enough to help us alleviate that</p> <p>11 problem, and not have that issue as we move toward</p> <p>12 drawing new maps?</p> <p>13 REP. LEWIS: Senator, I thank you for</p> <p>14 that question. I would say that, as I've</p> <p>15 maintained all along, I believe that voters are</p> <p>16 sophisticated enough that split political districts</p> <p>17 do not cause confusion, but to the extent that we</p> <p>18 can not split them, we shouldn't, so I do think</p> <p>19 this sentence goes far enough in saying the only</p> <p>20 reason you would want to split a VTD, or a voting</p> <p>21 district, is to help with the zero population</p> <p>22 requirement that this committee has already</p> <p>23 adopted.</p> <p>24 SEN. SMITH-INGRAM: Follow-up.</p> <p>25 SEN. RUCHO: Follow-up.</p>	<p style="text-align: right;">37</p> <p>1 SEN. RUCHO: Thank you. I've got</p> <p>2 Representative Stam.</p> <p>3 REP. STAM: Yes. I like this criteria.</p> <p>4 It's very principled, and it's principles that I've</p> <p>5 heard, for example, the Senate Minority Leader</p> <p>6 state publicly many times. Let's not -- let's not</p> <p>7 consider race anymore. We're past that.</p> <p>8 SEN. RUCHO: Okay. Representative</p> <p>9 Michaux?</p> <p>10 REP. MICHAUX: Mr. Chairman, I'm having a</p> <p>11 problem not identifying race, and if I recall, Mr.</p> <p>12 Lewis -- and I'm reading from the opinion. It says</p> <p>13 here that "This does not mean that race can never</p> <p>14 play a role in redistricting. Legislatures are</p> <p>15 almost always cognizant of race when drawing</p> <p>16 district lines, and simply being aware of race</p> <p>17 poses no Constitutional violation."</p> <p>18 What they're saying to you is that you</p> <p>19 still can use race in the matter, but you cannot</p> <p>20 make it the predominant factor. That's the way I</p> <p>21 read it, and I think that this --</p> <p>22 SEN. RUCHO: Representative Lewis?</p> <p>23 REP. LEWIS: Representative Michaux,</p> <p>24 thank you for that. My response to that would be</p> <p>25 that not being aware of race means that you</p>

<p style="text-align: right;">38</p> <p>1 couldn't have been motivated by race.</p> <p>2 REP. MICHAUX: May I follow up?</p> <p>3 SEN. RUCHO: Follow-up, Representative</p> <p>4 Michaux?</p> <p>5 REP. MICHAUX: What did you say just now?</p> <p>6 REP. LEWIS: Sir, I believe you read from</p> <p>7 the opinion, which I don't have before me, that --</p> <p>8 in which the judges said being aware of race does</p> <p>9 not necessarily mean that race was a predominant</p> <p>10 factor, but it doesn't require it. And if that's</p> <p>11 not what you read, understand that you have the</p> <p>12 opinion in front of you, and I don't.</p> <p>13 REP. MICHAUX: What they're saying is it</p> <p>14 cannot be a predominant factor, Mr. Lewis, but you</p> <p>15 can use race.</p> <p>16 SEN. RUCHO: Representative Michaux, I</p> <p>17 think what Senator -- Representative Lewis is</p> <p>18 saying is you can use race, but it doesn't require</p> <p>19 you to use race.</p> <p>20 REP. MICHAUX: It says you can use race,</p> <p>21 but it must not be the predominant factor.</p> <p>22 REP. LEWIS: Mr. Chairman, I would say</p> <p>23 "can use" does not say "must use." Therefore, I</p> <p>24 would move the adoption of this criteria.</p> <p>25 SEN. RUCHO: Representative Hager,</p>	<p style="text-align: right;">40</p> <p>1 choice.</p> <p>2 We know that this three-judge panel has</p> <p>3 the power of its own to draw districts, and we can</p> <p>4 play these games with them. I thought that as a</p> <p>5 body from the standpoint of letting the</p> <p>6 Legislature, the reason that we ordered -- or at</p> <p>7 least required that the Court, if reversing these</p> <p>8 districts, sent it back to the Legislature to have</p> <p>9 an opportunity or a shot at fixing it is because it</p> <p>10 was felt that the Legislature could fix it, but I</p> <p>11 can assure you that if you go about doing this,</p> <p>12 then those three gentlemen are going to draw</p> <p>13 districts for you.</p> <p>14 Maybe that's what you want, and if that's</p> <p>15 what you want, I will vote with you on this</p> <p>16 amendment, but I think that you -- that it's</p> <p>17 transparent the game that you're trying to play.</p> <p>18 Some of us do strongly believe that we should move</p> <p>19 away from using race in making any decision in</p> <p>20 American life, but we also believe that you comply</p> <p>21 with the law until we get to that point, and I</p> <p>22 think that you're aware of the fact, just as I am,</p> <p>23 that if you take this blind approach, you're in</p> <p>24 direct violation of Section 2 of the Voting Rights</p> <p>25 Act. And so I'm just -- I just say that to you.</p>
<p style="text-align: right;">39</p> <p>1 please?</p> <p>2 REP. HAGER: Thank you, Mr. Chairman.</p> <p>3 Representative Lewis, I want to commend you on</p> <p>4 the -- when you said only when necessary when you</p> <p>5 split districts and precincts. I come from a</p> <p>6 district and precinct prior to these maps. My</p> <p>7 precinct was split, and we worked it out, like I</p> <p>8 said, and I appreciate what you said about the</p> <p>9 sophistication of the voters. It was there, but</p> <p>10 this criteria does help that situation, and prior</p> <p>11 to these maps, we see -- we saw that with the</p> <p>12 previous maps in Rutherford County, so thank you</p> <p>13 very much.</p> <p>14 SEN. RUCHO: I'm sorry. I've got Senator</p> <p>15 Blue. Excuse me.</p> <p>16 SEN. BLUE: Just a comment, since the</p> <p>17 motion to adopt it has been made. Mr. Chairman, I</p> <p>18 agree totally with Representative Stam. As I told</p> <p>19 Representative Lewis, there are places in this</p> <p>20 state where considering race in redrawing districts</p> <p>21 is inappropriate under the Voting Rights Act, under</p> <p>22 the 14th Amendment. There are places in this state</p> <p>23 where the Voting Rights Act requires that race be</p> <p>24 considered to some degree to ensure that, based on</p> <p>25 history, that minorities can elect people of their</p>	<p style="text-align: right;">41</p> <p>1 I'm going to vote against this proposal.</p> <p>2 You'll probably withdraw it, given the debate, but</p> <p>3 I'm going to vote against it because I think that</p> <p>4 it's showing disrespect for the law as it exists</p> <p>5 and disrespect for this three-judge federal</p> <p>6 district court.</p> <p>7 REP. LEWIS: Well, Senator --</p> <p>8 SEN. RUCHO: Representative Lewis?</p> <p>9 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>10 I'm going to reiterate my earlier comments to you,</p> <p>11 sir, that in no way has anything that I have said</p> <p>12 had the intent, and I hope not the effect, of</p> <p>13 causing any offense to any member of the federal</p> <p>14 judiciary. I would reiterate the only way to make</p> <p>15 sure that race is not the predominant factor is to</p> <p>16 make sure it's not a factor when the maps are being</p> <p>17 considered.</p> <p>18 This Court -- I'll go one step further.</p> <p>19 With the utmost respect to the Court, this Court</p> <p>20 was shown that race was not a factor that was</p> <p>21 considered in drawing of the 12th, but they still</p> <p>22 found that it was a factor. This is -- this way we</p> <p>23 make sure that in fact, it is not.</p> <p>24 SEN. RUCHO: Members of the committee?</p> <p>25 Senator McKissick?</p>

<p style="text-align: right;">42</p> <p>1 SEN. MCKISSICK: Representative Lewis, 2 are you aware of any racially polarized voting 3 studies which have been conducted since the 2010 4 Census occurred? 5 REP. LEWIS: Senator McKissick, 6 respectfully, I would direct you to the 7 redistricting tab of the General Assembly Web site. 8 I believe there are some studies that are listed 9 there. Certainly there are numerous studies that 10 are referenced in the various lawsuits. I know the 11 General Assembly did commission a study on racially 12 polarized voting. I do not believe the Harris 13 court admitted or considered it. 14 SEN. MCKISSICK: Follow-up, Mr. Chair. 15 SEN. RUCHO: Follow-up. 16 SEN. MCKISSICK: Is it not possible to go 17 back and find that data, which is reasonably 18 current, since it was done since 2010, to examine 19 the racially polarized voting patterns throughout 20 the state, because different parts of the state are 21 different? Our urban areas have different 22 characteristics, and there's more coalition 23 politics. Other parts of our state, racially 24 polarized voting patterns are present, and continue 25 to exist.</p>	<p style="text-align: right;">44</p> <p>1 REP. MCGRADY: Second. 2 SEN. RUCHO: Second, Representative 3 McGrady. Any additional discussion? 4 (No response.) 5 SEN. RUCHO: All right. Seeing none, we 6 can -- Mr. Clerk, would you begin the roll call? 7 CLERK: Lewis? 8 REP. LEWIS: Aye. 9 CLERK: Jones? 10 REP. JONES: Aye. 11 CLERK: Brawley? 12 REP. BRAWLEY: Aye. 13 CLERK: Cotham? 14 REP. COTHAM: No. 15 CLERK: Davis? 16 REP. DAVIS: Aye. 17 CLERK: Farmer-Butterfield? 18 REP. FARMER-BUTTERFIELD: No. 19 CLERK: Hager? 20 REP. HAGER: Aye. 21 CLERK: Hanes? 22 REP. HANES: No. 23 CLERK: Hardister? 24 REP. HARDISTER: Aye. 25 CLERK: Hurley?</p>
<p style="text-align: right;">43</p> <p>1 I would suggest that we go back and look 2 at those studies, analyze them, and use those 3 studies as part of the database that would be used 4 to move forward in drawing these districts. Any 5 reason why we cannot do that? 6 REP. LEWIS: Respectfully, sir, I may -- 7 I may agree with you, but the Court does not. 8 SEN. MCKISSICK: And I'd have to 9 respectfully disagree on that. 10 REP. LEWIS: Noted. 11 SEN. RUCHO: Senator Clark? 12 SEN. CLARK: Thank you, Mr. Chairman. 13 With regard to the language on the voting districts 14 in here, would it not be more appropriate to 15 separate that and have it stand alone as its own 16 criteria? I don't understand the rationale for 17 including it in the criteria about political data. 18 REP. LEWIS: Senator, I appreciate that 19 question. Frankly, we could have had an additional 20 criteria. I prefer just to let it stay as it is. 21 SEN. RUCHO: Excuse me. Representative 22 Lewis, do you make the motion to adopt the 23 political data criteria? 24 REP. LEWIS: I do, Mr. Chairman. 25 SEN. RUCHO: All right.</p>	<p style="text-align: right;">45</p> <p>1 REP. HURLEY: Aye. 2 CLERK: Jackson? 3 REP. JACKSON: No. 4 CLERK: Johnson? 5 REP. JOHNSON: Aye. 6 CLERK: Jordan? 7 REP. JORDAN: Aye. 8 CLERK: McGrady? 9 REP. MCGRADY: Aye. 10 CLERK: Michaux? 11 REP. MICHAUX: No. 12 CLERK: Moore? 13 REP. MOORE: No. 14 CLERK: Stam? 15 REP. STAM: Aye. 16 CLERK: Stevens? 17 REP. STEVENS: Aye. 18 CLERK: Rucho? 19 SEN. RUCHO: Aye. 20 CLERK: Apodaca? 21 SEN. APODACA: Aye. 22 CLERK: Barefoot? 23 SEN. BAREFOOT: Aye. 24 CLERK: Blue? 25 SEN. BLUE: No.</p>

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<p>1 CLERK: Brown? 2 SEN. BROWN: Aye. 3 CLERK: Clark? 4 SEN. CLARK: No. 5 CLERK: Harrington? 6 SEN. HARRINGTON: Aye. 7 CLERK: Hise? 8 SEN. HISE: Aye. 9 CLERK: Jackson? 10 SEN. JACKSON: Aye. 11 CLERK: Lee? 12 SEN. LEE: Aye. 13 CLERK: McKissick? 14 SEN. MCKISSICK: No. 15 CLERK: Randleman? 16 SEN. RANDLEMAN: Aye. 17 CLERK: Sanderson? 18 SEN. SANDERSON: Aye. 19 CLERK: Smith? 20 SEN. SMITH: No. 21 CLERK: Smith-Ingram? 22 SEN. SMITH-INGRAM: Nay. 23 CLERK: Wells? 24 SEN. WELLS: Aye. 25 SEN. RUCHO: What have we got?</p>	<p>1 drawing of the maps, I would propose that to the 2 extent possible, the map drawers create a map which 3 is perhaps likely to elect 10 Republicans and 3 4 Democrats. I acknowledge freely that this would be 5 a political gerrymander, which is not against the 6 law. 7 SEN. RUCHO: All right. Members of the 8 committee, any questions? Senator Blue? 9 SEN. BLUE: Just one, Mr. Chairman, and 10 this is a point of order since you've got my friend 11 the rules committee chairman up there. What are 12 the rules under which this committee is operating, 13 House or Senate? If it's the Senate -- and if it's 14 neither, where do they come from, but if it's the 15 Senate, aren't ayes and nays prohibited in 16 committee votes? 17 SEN. APODACA: The chairs agreed we'd 18 operate under the House rules, and I can tell you I 19 wasn't here for that, but they did. 20 (Laughter.) 21 SEN. RUCHO: All right. Senator Blue? 22 SEN. BLUE: One follow-up. 23 SEN. RUCHO: Let me have your attention. 24 SEN. BLUE: Since I'm not familiar with 25 the House rules anymore, there is a permitted</p>
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<p>1 CLERK: Nine nays. Nine nays. (Pause.) 2 There's 11. 11 out of 34. 3 SEN. RUCHO: 11 out of 34 nays. Okay. 4 The result of that is 23 ayes, 11 nos, and two were 5 not present. Okay. Representative Lewis? 6 REP. LEWIS: Mr. Chairman, I would ask -- 7 with your permission, I've asked the Sergeants-at- 8 Arms to distribute the criteria labeled "Partisan 9 Advantage." If you could direct the staff to read 10 that, I'd be happy to speak on it. 11 SEN. RUCHO: Ms. Churchill, would you 12 read the one on partisan advantage? 13 MS. CHURCHILL: "Partisan Advantage: The 14 partisan makeup of the Congressional delegation 15 under the enacted plan is 10 Republicans and 3 16 Democrats. The committee shall make reasonable 17 efforts to construct districts in the 2016 18 contingent Congressional plan to maintain the 19 current partisan makeup of North Carolina's 20 Congressional delegation." 21 SEN. RUCHO: Representative Lewis, 22 explain. 23 REP. LEWIS: Mr. Chairman, the 24 explanation of this is reasonably simple. As we 25 are allowed to consider political data in the</p>	<p>1 abstention in the ayes and nos under the House 2 rules; is there not? 3 SEN. APODACA: Mr. Chairman? 4 SEN. RUCHO: Representative Stam, if you 5 can respond to that question? 6 REP. STAM: I could. There is no such 7 rule under House rules now or when Senator Blue was 8 the Speaker of the House. 9 SEN. RUCHO: Senator Blue, did you get 10 your answer? 11 SEN. BLUE: I got an answer. 12 (Laughter.) 13 SEN. RUCHO: Good. Thank you. Okay. 14 Members of the committee, let's pay close attention 15 to this. Senator McKissick? 16 SEN. MCKISSICK: In looking at this 17 particular criteria, I mean, certainly partisan 18 advantage is a legitimate consideration, but I 19 don't know why, based upon the number of Democratic 20 registered voters, Republican registered voters and 21 unaffiliated voters in this state we would want to 22 ever sit and ingrain as a criteria for 23 redistricting that we would only allow one party 3 24 seats in Congress, and the other one, 10 in 25 Congress, when not very long ago, before 2010, we</p>

<p style="text-align: right;">50</p> <p>1 had 7 Democrats and 5 Republicans, so I'm trying to 2 understand why you feel this would be fair, 3 reasonable, and balanced in terms of voter 4 registrations in this state as it is currently 5 divided.</p> <p>6 REP. LEWIS: Thank you for your question, 7 Senator. I propose that we draw the maps to give a 8 partisan advantage to 10 Republicans and 3 9 Democrats because I do not believe it's possible to 10 draw a map with 11 Republicans and 2 Democrats. 11 (Laughter.) 12 SEN. MCKISSICK: Follow-up, if I could. 13 SEN. RUCHO: Follow-up. 14 SEN. MCKISSICK: Were you aware of the 15 fact that in the 2012 election cycle, if you total 16 the total number of votes received by Democrats 17 running for Congress versus the total number of 18 votes cast for Republicans running for Congress, 19 that Democratic candidates had a higher number of 20 total votes, but ended up with fewer seats? Were 21 you aware of that factor in drawing up this 22 criteria? 23 REP. LEWIS: I am aware, Senator -- first 24 of all, thank you for your question. I am aware 25 that there are numerous examples, especially</p>	<p style="text-align: right;">52</p> <p>1 Come up with something different. It 2 could be 5 Democratic seats, and there's no reason 3 why that couldn't be accomplished. It could be 6 4 Democratic seats and still give the Republicans an 5 edge, but to say you're going to marginalize with 6 only 3 seats as a criteria, let the voters decide. 7 REP. LEWIS: Well, sir, I definitely -- I 8 thank you for that comment. Certainly we look 9 forward to receiving -- what I'm asking this 10 committee to adopt is the maps that this -- that 11 the chairs will present to this committee absent a 12 stay arriving from the Court. Certainly the 13 members of this committee that don't feel this 14 balance is appropriate can certainly offer their 15 own maps for consideration. 16 SEN. RUCHO: Representative Lewis, in the 17 case Senator McKissick brought forth, if you see 18 some districts that tend to have a larger voter 19 turnout than others, that could easily explain what 20 Senator McKissick described. Am I not correct? 21 REP. LEWIS: Yes, sir. I think that's a 22 constant variable in this. If you have an area 23 that has a lot of contested races, those areas tend 24 to produce more folks to the polls. If you have -- 25 you know, we don't want to get into the Electoral</p>
<p style="text-align: right;">51</p> <p>1 through the 2000s, when the majority of seats went 2 to a party that had the fewer votes. We elect our 3 representatives based on a system of drawing 4 districts and the people in those districts being 5 able to vote. We do not elect at large. I know 6 you're very much aware of that, and we will -- this 7 will maintain that system. 8 SEN. MCKISSICK: Last follow-up, Mr. 9 Chairman. 10 SEN. RUCHO: Follow-up. Last follow-up. 11 SEN. MCKISSICK: I would simply say this: 12 If we were looking at a fair and reasonable 13 division as a criteria moving forward, it wouldn't 14 necessarily have to be an even division. It 15 could -- obviously, since majority -- Republicans 16 are a majority now, give Republicans a slight edge, 17 but to come up with such an imbalance in a split I 18 think is highly inappropriate. It's unfair. It 19 does not recognize the way votes have been cast in 20 this state as recently as 2012. It doesn't 21 recognize the division of registered voters in this 22 state between Democrats, Republicans, and 23 Independents, and it's really a matter of political 24 gerrymandering in the worst sense in which we can 25 do so.</p>	<p style="text-align: right;">53</p> <p>1 College, but I can remember this debate's been 2 going on since 2000 because of the use -- you know, 3 there are times -- do you maximize or, for lack of 4 a more polite term, do you pump up or boost up 5 votes in certain areas to try and create the larger 6 cumulative total, or do you file, run, and win in 7 the districts in which you live? Our system has 8 historically been the latter. 9 SEN. RUCHO: I have a follow-up there. 10 Senator McKissick, go ahead. 11 SEN. MCKISSICK: Yeah. Simply this: I 12 think what voters want are more competitive 13 districts, more competitive districts where they 14 have a clear choice between a Democrat, a 15 Republican, and perhaps an unaffiliated candidate 16 that's running, but not ones that are gerrymandered 17 to give one party or the other just a clear 18 partisan advantage. More competitive districts, I 19 support completely, but that means drawing the maps 20 in a way where you're not from the outset 21 establishing criteria that gives one party an 22 unfair advantage. 23 SEN. RUCHO: Representative Lewis? 24 REP. LEWIS: Mr. Chairman, the only thing 25 that I could add is that we want to make clear that</p>

<p style="text-align: right;">54</p> <p>1 we to the extent are going to use political data in</p> <p>2 drawing this map, it is to gain partisan advantage</p> <p>3 on the map. I want that criteria to be clearly</p> <p>4 stated and understood. I have the utmost respect</p> <p>5 for those that do not agree with this particular</p> <p>6 balance.</p> <p>7 I will say -- and the gentleman from</p> <p>8 Durham did not say this, but I will say that during</p> <p>9 the public comment yesterday, more than one speaker</p> <p>10 referred to, "Can't we just draw them where there's</p> <p>11 5 this way or 6 that way?" That is partisan</p> <p>12 gerrymandering if you're drawing 5 and 7 or 6</p> <p>13 and -- whatever it is. I'm making clear that our</p> <p>14 intent is to use -- is to use the political data we</p> <p>15 have to our partisan advantage.</p> <p>16 SEN. RUCHO: Representative Michaux?</p> <p>17 REP. MICHAUX: Yeah. Mr. Chairman, you</p> <p>18 know if we were where you are today and we came up</p> <p>19 with this idea, you-all would be jumping all over</p> <p>20 the place, trying to dissuade us from that. First</p> <p>21 you want to -- you really want to dissuade race</p> <p>22 from being put in here. Now you want to make sure</p> <p>23 that you keep your 10 to 3 advantage, the same</p> <p>24 situation that got you in trouble before, and now</p> <p>25 you're going to -- what you're telling us is, "We</p>	<p style="text-align: right;">56</p> <p>1 For example, near a military base, they have much</p> <p>2 fewer voters than the population -- in other words,</p> <p>3 it's a bogus statistic, so I don't use it anymore.</p> <p>4 SEN. RUCHO: Thank you. I've got</p> <p>5 Representative Hager.</p> <p>6 REP. HAGER: Thank you, Mr. Chairman.</p> <p>7 You know I haven't been here long, but I guess in</p> <p>8 the House, I've become one of the more senior</p> <p>9 members with my colleagues that came in in 2011,</p> <p>10 but, you know, I got to thinking -- and I have the</p> <p>11 utmost respect for Senator McKissick and</p> <p>12 Representative Michaux, but, you know, if I beat my</p> <p>13 dog every day for 4 or 5 years and then I quit</p> <p>14 doing it and I told David to quit beating his dog,</p> <p>15 you'd consider me a little bit hypocritical,</p> <p>16 wouldn't you, David?</p> <p>17 If you look at that map on the wall and</p> <p>18 look at the 1992 map and look at District 10 and</p> <p>19 District 1, District 10 is my district now. Look</p> <p>20 at where we've come with District 10 since then. I</p> <p>21 mean, it's just -- it's amazing to me that we can</p> <p>22 argue that we shouldn't -- that the folks that have</p> <p>23 been here for a long time can argue that we</p> <p>24 shouldn't gerrymander these on political reasons,</p> <p>25 and they're some of the same people that developed</p>
<p style="text-align: right;">55</p> <p>1 want you to do this, and you vote for it, and this</p> <p>2 is the way it's going to be," period, end of</p> <p>3 report.</p> <p>4 SEN. RUCHO: Okay. There was no</p> <p>5 question, I don't think, so -- unless you want to</p> <p>6 respond to his comment.</p> <p>7 REP. LEWIS: No.</p> <p>8 SEN. RUCHO: Okay. I've got</p> <p>9 Representative Stam first.</p> <p>10 REP. STAM: Yes. I'd like to share a</p> <p>11 statistic that I haven't used in about 10 years,</p> <p>12 but I'll tell you why. During the last</p> <p>13 redistricting by the other party in 2004, I did</p> <p>14 jump up and down because I saw what was coming. In</p> <p>15 the election of 2004 for the House -- write these</p> <p>16 statistics down -- 52 percent of the voters chose</p> <p>17 the Republican candidate, 44 percent, the</p> <p>18 Democratic candidate, and 4 percent, Libertarian.</p> <p>19 Well, that should be a landslide for Republicans,</p> <p>20 but it ended up that we were in the minority, 57 to</p> <p>21 63.</p> <p>22 The reason I stopped using those type of</p> <p>23 statistics is I realized that it can be totally</p> <p>24 skewed by whoever happens to not have a candidate</p> <p>25 opposing that person. That shows a huge advantage.</p>	<p style="text-align: right;">57</p> <p>1 that map of District 1 and District 10 in 1992.</p> <p>2 SEN. RUCHO: Thank you. Any additional</p> <p>3 questions? Senator Smith-Ingram?</p> <p>4 SEN. SMITH-INGRAM: Thank you, Mr. Chair.</p> <p>5 Can you be specific as to what constitutes partisan</p> <p>6 advantage? Do we have to tie it to a number?</p> <p>7 REP. LEWIS: No, ma'am, but I will --</p> <p>8 first of all, thank you for the question. To</p> <p>9 perhaps expound on it a bit, this would -- this</p> <p>10 would contemplate looking at the political data,</p> <p>11 which was an earlier criteria adopted by this</p> <p>12 committee, and as you draw the lines, if you're</p> <p>13 trying to give a partisan advantage, you would want</p> <p>14 to draw the lines so that more of the whole VTDs</p> <p>15 voted for the Republican on the ballot than they</p> <p>16 did the Democrat, if that answers your question.</p> <p>17 SEN. SMITH-INGRAM: I think that --</p> <p>18 SEN. RUCHO: Follow-up?</p> <p>19 SEN. SMITH-INGRAM: Thank you. Follow-</p> <p>20 up. It answers about 50 percent of my question.</p> <p>21 If I could ask you another one, maybe a different</p> <p>22 way? You threw out some numbers. Would there not</p> <p>23 be partisan advantage with 8/5?</p> <p>24 REP. LEWIS: Thank you for that question,</p> <p>25 Senator. I would point out that indeed, you could</p>

<p style="text-align: right;">58</p> <p>1 use political numbers to draw a partisan -- to draw 2 districts in which 8 Republicans would win or 5 3 Democrats. I'm saying to the extent that you can, 4 make it 10/3. 5 SEN. SMITH-INGRAM: Last follow-up. 6 SEN. RUCHO: Last follow-up. 7 SEN. SMITH-INGRAM: Just a statement. I 8 am concerned that we are trying to mimic the 9 outcome of the previous election that never existed 10 for a very long time in North Carolina until this 11 district was redrawn in 2011. The challenge here 12 is we are balancing where we are with where we have 13 been historically, but at the end of the day, we 14 are elected to come together, to work together, to 15 serve the constituents and citizens of North 16 Carolina. This is one of the concerns resonated 17 yesterday, and many of us have it here. We are 18 drawing these lines so that we get to pick our 19 voters as opposed to them choosing us. It is 20 unfair. It should not be perpetuated in this 21 process, and I will not be supporting it. 22 SEN. RUCHO: Thank you. Representative 23 Jones? 24 REP. JONES: Thank you, Mr. Chair. I 25 appreciate it. I want to say how much I have</p>	<p style="text-align: right;">60</p> <p>1 hearing them come from today. We never heard those 2 comments for decades and decades and decades in 3 North Carolina, whether it was the media, whether 4 it was the majority party, whomever, and so I guess 5 the process is what it is. 6 I'm glad that we have had some court 7 decisions that have led to what I think is a lot 8 less gerrymandering than what we had in prior 9 decades, where we -- now we do have single-member 10 districts. Now we do have where we don't just 11 split counties in any possible way, and we have the 12 pod system and things like that, so I really take 13 offense when I hear those that say that somehow the 14 political gerrymandering of today is greater than 15 somehow it was in prior years, when anybody that 16 goes back and studies the history knows that that's 17 simply not the case. 18 That's my comment, and I will ask I guess 19 a question for you, Representative Lewis. Is it 20 possible that people might choose to vote for a 21 candidate that is of a different political party 22 than what their political affiliation is? 23 REP. LEWIS: Well, thank you for that 24 question, Representative Jones. Of course it is. 25 I mean, we all offer ourselves, and the voters in</p>
<p style="text-align: right;">59</p> <p>1 enjoyed this discussion about -- about 2 gerrymandering. You know, that's a word that seems 3 to me, as someone who has lived in North Carolina 4 for all my life and has really kind of studied the 5 political process particularly over the last few 6 decades, a word that was never really used until 7 somehow the Republicans came to a majority in 2010. 8 Just as we're taking this little trip 9 down memory lane for just a moment, I -- I remember 10 things like multi-member districts in North 11 Carolina when we were drawing the legislature. I 12 thought what an extreme opportunity that was to 13 gerrymander. 14 I saw it happen in my own area where, you 15 know, we couldn't do single-member districts. We 16 couldn't even do double-member districts. 17 Sometimes it had to be three- or four-member 18 districts in order for the political party in 19 charge at the time, which was the Democratic Party, 20 to gain a political advantage, so Representative 21 Lewis, I appreciate your honesty as you come 22 forward today, and we -- and we explain that 23 political gerrymandering I guess is what it is, but 24 I just find it very interesting to hear some of the 25 comments coming from some of the avenues that we're</p>	<p style="text-align: right;">61</p> <p>1 our districts decide that we best represent what we 2 believe the direction of the government should be 3 and that's how they cast their votes, so certainly 4 a person is free to vote ever how they choose to 5 vote. 6 REP. JONES: Well, that's what I think, 7 and I think regardless how you draw these 8 districts -- you know, I come from an area where I 9 can remember a time where voting for the Democratic 10 party was extremely -- extremely high, and that 11 time has changed, and those votes have changed. A 12 lot of people that I can tell don't necessarily 13 vote for the same party that they're registered, 14 and so I -- you know, I think we ought to respect 15 the voters as individuals, and whether they're 16 registered Democrat, Republican, Libertarian, 17 unaffiliated, whatever, recognize that they do have 18 an opportunity to vote for any candidate that is on 19 the ballot before them. I appreciate your answer, 20 and I appreciate your honesty and integrity and 21 going forward with the process. 22 SEN. RUCHO: Thank you, Representative 23 Jones. Senator Clark? 24 SEN. CLARK: Thank you, Mr. Chairman. 25 I'm having difficulty understanding why I should</p>

<p style="text-align: right;">62</p> <p>1 agree to vote for maps to bake in partisan 2 advantage that was achieved through the use of 3 unconstitutional maps. Could you explain that to 4 me?</p> <p>5 REP. LEWIS: Well, to be clear, sir, 6 we -- we are proposing that the maps that are drawn 7 now under this criteria which we have passed a 8 plank of, and continue to move forward, one of the 9 goals in drawing the map will be to preserve the 10 10/3. With all due respect, I've listened to this, 11 and we can of course continue to discuss this as 12 long as the committee wants to. It's always sort 13 of amazed me that if the map elects one side, the 14 other side considers -- considers it a gerrymander, 15 and something bad. If it elects their side, they 16 consider it a work of art, and good government, so 17 this is saying that one of the goals will be to 18 elect -- to speak directly to your point, the goal 19 is to elect 10 Republicans and 3 Democrats.</p> <p>20 SEN. RUCHO: Thank you. Representative 21 Lewis, there was a comment earlier about the 22 districts, the 13 districts that exist, 10 23 presently Republican, and 3 Democrat, and under the 24 circumstances, could you explain a little bit about 25 the makeup of the Republican districts and who</p>	<p style="text-align: right;">64</p> <p>1 competitive. I pointed out before that in the race 2 for attorney general that Attorney General Cooper 3 won nearly all of these. We can go back through 4 this 2011 debate if we'd like to, but I would again 5 maintain that you've got to put forward a good 6 candidate that appeals to the majority of folks, 7 and that the majority of folks in these districts 8 in the enacted plan are not registered Republicans. 9 In fact, to the best of my knowledge, in all but 10 perhaps one, we are the minority in all of the 11 districts.</p> <p>12 SEN. RUCHO: Thank you. Okay, 13 Representative Jackson?</p> <p>14 REP. JACKSON: Thank you, Mr. Chairman. 15 Senator Clark took one of my points that I was 16 going to make, but part of my uneasiness with this 17 is that it refers to the current Congressional 18 plan. I think you could make reference just saying 19 that you want to do it to a partisan advantage and 20 maximize Republican members, and I could agree with 21 that, I guess, but you have that opportunity.</p> <p>22 I would point out that your maps 23 originally had a 9/4 split, and that any reference 24 to 10/3 is not what your maps were; your maps were 25 a 9/4 split. What you've done is taken out the</p>
<p style="text-align: right;">63</p> <p>1 they're composed of, and what is necessary for that 2 Republican to win an election?</p> <p>3 REP. LEWIS: Thank you for the question, 4 Mr. Chairman. First of all, it would be necessary 5 to go back and review the stat packs and whatnot 6 from the 2011 districts, which are online if 7 anybody would like to do that, but to the best of 8 my knowledge, Republicans hold no majority as far 9 as voter registration in any of those districts.</p> <p>10 It's also -- well, and it is firmly my 11 belief that it's the responsibility of each of the 12 political parties to nominate quality candidates 13 who can appeal to the entire political spectrum. 14 It was pointed out yesterday during the public 15 hearing that the unaffiliated ranks in our state 16 continue to grow. If you don't get them -- if you 17 don't get a large percentage of the unaffiliated 18 vote in most of our districts, you're not going to 19 win, and so I would say that you are required to 20 have a good-quality candidate that appeals to the 21 political expectations of the majority of the folks 22 in that district.</p> <p>23 I can go back, and we can go through some 24 of the points. I do still -- I actually maintain 25 that the districts that we have now are largely</p>	<p style="text-align: right;">65</p> <p>1 2012 election, but that's not my question. 2 My question is, are we going to rank 3 these criteria in any order, because you've used 4 words in this criteria like "reasonable efforts." 5 Well, if -- are the -- how will the mapmakers know 6 what a reasonable effort is? In trying to come up 7 with 10 Republican districts, will they be able to 8 make a reasonable effort that means they can now 9 consider race? Will they be able to make a 10 reasonable effort that means that now they can 11 consider the 2008, 2012 elections? Will they be 12 able to split precincts as part of making a 13 reasonable effort to make a 10/3 split?</p> <p>14 REP. LEWIS: Representative Jackson, 15 thank you for that series of questions. The answer 16 to your question, the first part was -- I'm sorry. 17 Mr. Chairman, I'm sorry.</p> <p>18 SEN. RUCHO: Go ahead, please.</p> <p>19 REP. JACKSON: Will there be any type of 20 ranking of these criteria anywhere?</p> <p>21 REP. LEWIS: No. No is the answer. 22 That's why these criteria are being presented 23 individually and discussed and debated 24 individually. Map -- drawing maps is largely a 25 balancing act. We are trying to specify certain</p>

<p style="text-align: right;">66</p> <p>1 things that you cannot use. You asked about race. 2 You cannot use that, and I apologize; I don't 3 remember what else you asked about, Representative 4 Jackson. 5 REP. JACKSON: Follow-up, Mr. Chairman? 6 SEN. RUCHO: Follow-up. 7 REP. JACKSON: Okay. So it would be your 8 contention, then, that making reasonable efforts 9 would not include violating any of the other 10 criteria that we have passed? 11 REP. LEWIS: Absolutely. Mr. Chairman? 12 SEN. RUCHO: Yes? 13 REP. LEWIS: If there aren't further 14 questions, I move adoption of the 2016 contingent 15 Congressional plan proposed criteria labeled 16 "Partisan Advantage." 17 SEN. RUCHO: All right. 18 REP. JONES: Second. 19 SEN. RUCHO: Representative Jones has 20 seconded. All right, members of the committee, 21 there has been considerable discussion, and if 22 there's any additional thoughts, this is your 23 opportunity. 24 (No response.) 25 SEN. RUCHO: Seeing none, Mr. Clerk,</p>	<p style="text-align: right;">68</p> <p>1 CLERK: Jordan? 2 REP. JORDAN: Aye. 3 CLERK: McGrady? 4 REP. MCGRADY: Aye. 5 CLERK: Michaux? 6 REP. MICHAUX: No. 7 CLERK: Moore? 8 REP. MOORE: No. 9 CLERK: Stam? 10 REP. STAM: Aye. 11 CLERK: Stevens? 12 REP. STEVENS: Aye. 13 CLERK: Rucho? 14 SEN. RUCHO: Aye. 15 CLERK: Apodaca? 16 SEN. APODACA: Aye. 17 CLERK: Barefoot? 18 SEN. BAREFOOT: Aye. 19 CLERK: Blue? 20 SEN. BLUE: No. 21 CLERK: Brown? 22 SEN. BROWN: Aye. 23 CLERK: Clark? 24 SEN. CLARK: No. 25 CLERK: Harrington?</p>
<p style="text-align: right;">67</p> <p>1 please go through the roll. 2 CLERK: Lewis? 3 REP. LEWIS: Aye. 4 CLERK: Jones? 5 REP. JONES: Aye. 6 CLERK: Brawley? 7 REP. BRAWLEY: Aye. 8 CLERK: Cotham? 9 REP. COTHAM: No. 10 CLERK: Davis? 11 REP. DAVIS: Aye. 12 CLERK: Farmer-Butterfield? 13 REP. FARMER-BUTTERFIELD: No. 14 CLERK: Hager? 15 REP. HAGER: Aye. 16 CLERK: Hanes? 17 REP. HANES: No. 18 CLERK: Hardister? 19 REP. HARDISTER: Aye. 20 CLERK: Hurley? 21 REP. HURLEY: Aye. 22 CLERK: Jackson? 23 REP. JACKSON: No. 24 CLERK: Johnson? 25 REP. JOHNSON: Aye.</p>	<p style="text-align: right;">69</p> <p>1 SEN. HARRINGTON: Aye. 2 CLERK: Hise? 3 SEN. HISE: Aye. 4 CLERK: Jackson? 5 SEN. JACKSON: Aye. 6 CLERK: Lee? 7 SEN. LEE: Aye. 8 CLERK: McKissick? 9 SEN. MCKISSICK: No. 10 CLERK: Randleman? 11 SEN. RANDLEMAN: Aye. 12 CLERK: Sanderson? 13 SEN. SANDERSON: Aye. 14 CLERK: Smith? 15 SEN. SMITH: No. 16 CLERK: Smith-Ingram? 17 SEN. SMITH-INGRAM: No. 18 CLERK: Wells? 19 SEN. WELLS: Aye. 20 CLERK: 23-11. 21 SEN. RUCHO: All right, members of the 22 committee, roll call on the "Partisan Advantage" 23 criteria was ayes, 23, nos, 11. 24 We'll be going on to the next one, and 25 that is -- okay, got it. This is the 12th</p>

<p style="text-align: right;">70</p> <p>1 District. Would you, Ms. Churchill, read out --</p> <p>2 read this criteria, please?</p> <p>3 MS. CHURCHILL: "12th District: The</p> <p>4 current General Assembly inherited the</p> <p>5 configuration of the 12th District from past</p> <p>6 General Assemblies. This configuration was</p> <p>7 retained because of the -- because the district had</p> <p>8 already been heavily litigated over the past two</p> <p>9 decades, and ultimately approved by the courts.</p> <p>10 The Harris court has criticized the shape of the</p> <p>11 12th District, citing its serpentine nature. In</p> <p>12 light of this, the committee shall construct</p> <p>13 districts in the 2015 contingent Congressional plan</p> <p>14 that eliminate the current configuration of the</p> <p>15 12th District."</p> <p>16 SEN. RUCHO: And, Representative Lewis,</p> <p>17 would you explain the criteria under the "12th</p> <p>18 District" heading?</p> <p>19 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>20 This largely goes -- I'll try to use my friend from</p> <p>21 Wake, Representative Jackson's, words. As these</p> <p>22 criteria stand on their own and have to be</p> <p>23 considered together, what this is saying is that</p> <p>24 the mapmakers will make an effort to draw the 12th</p> <p>25 Congressional District in a shape that the judges</p>	<p style="text-align: right;">72</p> <p>1 good idea.</p> <p>2 SEN. RUCHO: Members of the -- oh, I'm</p> <p>3 sorry. Go ahead, Chairman Lewis.</p> <p>4 REP. LEWIS: Mr. Chairman, I just -- I</p> <p>5 just wanted to thank Senator Blue for his words.</p> <p>6 I'm glad that after two decades of drawing maps,</p> <p>7 we've found something we can agree on.</p> <p>8 SEN. RUCHO: All right, members of the</p> <p>9 committee. Senator McKissick?</p> <p>10 SEN. MCKISSICK: While I appreciate the</p> <p>11 fact that the 12th District has an unusual shaped</p> <p>12 appearance, I'm also aware of the fact that it's</p> <p>13 gone up before the Supreme Court previously, and</p> <p>14 when I think of the fact that one of the things we</p> <p>15 have to consider is communities of interest, and</p> <p>16 communities of interest is certainly something</p> <p>17 that's a very valid consideration in drawing</p> <p>18 Congressional districts, and I've heard it stated</p> <p>19 on numerous occasions that communities of interest</p> <p>20 test here is met and satisfied with the shape being</p> <p>21 what it is today.</p> <p>22 Now, while it may appear a bit</p> <p>23 serpentine, a little bit unusual, I think it's</p> <p>24 possible to reconfigure the district, perhaps to</p> <p>25 make it somewhat more compact, but it links</p>
<p style="text-align: right;">71</p> <p>1 would not consider serpentine.</p> <p>2 SEN. RUCHO: Does that conclude your</p> <p>3 explanation?</p> <p>4 REP. LEWIS: Yes, sir.</p> <p>5 SEN. RUCHO: Okay. Members of the</p> <p>6 committee.</p> <p>7 SEN. BLUE: Mr. Chairman?</p> <p>8 SEN. RUCHO: Senator Blue?</p> <p>9 SEN. BLUE: I want to commend</p> <p>10 Representative Lewis. I agree that the 12th</p> <p>11 District ought to be contiguous, it ought to be</p> <p>12 compact, as all of the other districts in the</p> <p>13 state, and I think a good starting point for</p> <p>14 drawing constitutional maps would be to start with</p> <p>15 the 12th District and make it compact, and let it</p> <p>16 impact the other districts.</p> <p>17 I think differently about the 1st,</p> <p>18 because I think that the law requires it. I have</p> <p>19 no particular love for the shape of any of these</p> <p>20 strange districts, but if you're serious about</p> <p>21 creating a district that's compact, that's</p> <p>22 contiguous, and that covers as few counties as</p> <p>23 possible by not unreasonably splitting county</p> <p>24 lines, by not splitting county lines except where</p> <p>25 necessary to comply with population, I think it's a</p>	<p style="text-align: right;">73</p> <p>1 together significant cores of the urban parts of</p> <p>2 our state along the main street of the state, which</p> <p>3 is now Interstate 85. Interstate 85 is the main</p> <p>4 corridor.</p> <p>5 Those urban areas are linked from</p> <p>6 Charlotte going through Greensboro and back up into</p> <p>7 the Piedmont area of our state, so I would not want</p> <p>8 to abandon it. I'd want to perhaps reconfigure it,</p> <p>9 but keeping in mind the communities of interest</p> <p>10 that it ties together, major urban cores with</p> <p>11 populations that have similar interests and</p> <p>12 concerns, along with major banking centers.</p> <p>13 One of the -- I've heard before that that</p> <p>14 particular district had more banking headquarters</p> <p>15 than any Congressional district in our country, and</p> <p>16 I rely upon that based upon the sources of that</p> <p>17 data, so I would not abandon it; I would simply try</p> <p>18 to reconfigure it, perhaps make it more compact,</p> <p>19 but to respect the communities of interest that it</p> <p>20 does unify.</p> <p>21 SEN. RUCHO: Thank you. Any additional</p> <p>22 questions? Well, let me first say, Representative</p> <p>23 Lewis, do you want to make a comment to that?</p> <p>24 REP. LEWIS: (Shakes head.)</p> <p>25 SEN. RUCHO: Representative Hanes?</p>

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<p>1 REP. HANES: Thank you, Mr. Chairman. I 2 think both the senators have -- have excellent 3 points. I agree especially with Senator Blue and 4 his statements with regard to what we need to be 5 looking at as a whole as we consider what these 6 districts look like. Certainly when it comes to 7 Democrats -- and I know we're trying to avoid the 8 word "race" here, but when it comes to folks who 9 look like me, we want our voices heard everywhere, 10 and so in that regard, part of the way we do that 11 is to put our communities together within our 12 counties. I think while we certainly don't have to 13 abandon what the 12th is right now, certainly we 14 need to be looking at very strongly doing what 15 Senator Blue suggests, and so I will be supporting 16 it. Thank you. 17 SEN. RUCHO: Thank you. Members of the 18 committee, any additional questions or comments? 19 (No response.) 20 SEN. RUCHO: Representative Lewis, do you 21 have a motion? 22 REP. LEWIS: Mr. Chairman, I move that 23 the 2016 contingent Congressional plan proposed 24 criteria labeled "12th District" be adopted. 25 SEN. APODACA: Second.</p>	<p>1 CLERK: Hurley? 2 REP. HURLEY: Aye. 3 CLERK: Jackson? 4 REP. JACKSON: Yes. 5 CLERK: Johnson? 6 REP. JOHNSON: Aye. 7 CLERK: Jordan? 8 REP. JORDAN: Aye. 9 CLERK: McGrady? 10 REP. MCGRADY: Aye. 11 CLERK: Michaux? 12 REP. MICHAUX: Aye. 13 CLERK: Moore? 14 REP. MOORE: Aye. 15 CLERK: Stam? 16 REP. STAM: Aye. 17 CLERK: Stevens? 18 REP. STEVENS: Aye. 19 CLERK: Rucho? 20 SEN. RUCHO: Aye. 21 CLERK: Apodaca? 22 SEN. APODACA: Aye. 23 CLERK: Barefoot? 24 SEN. BAREFOOT: Aye. 25 CLERK: Blue?</p>
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<p>1 SEN. RUCHO: Second by Senator Apodaca. 2 Members of the committee, you have this motion 3 before you. Any questions or comments prior to a 4 roll call vote? 5 (No response.) 6 SEN. RUCHO: Seeing none, Mr. Clerk, 7 would you go through the roll call, please? 8 CLERK: Lewis? 9 REP. LEWIS: Aye. 10 CLERK: Jones? 11 REP. JONES: Aye. 12 CLERK: Brawley? 13 REP. BRAWLEY: Aye. 14 CLERK: Cotham? 15 REP. COTHAM: Yes. 16 CLERK: Davis? 17 REP. DAVIS: Aye. 18 CLERK: Farmer-Butterfield? 19 REP. FARMER-BUTTERFIELD: Yes. 20 CLERK: Hager? 21 REP. HAGER: Aye. 22 CLERK: Hanes? 23 REP. HANES: Yes. 24 CLERK: Hardister? 25 REP. HARDISTER: Aye.</p>	<p>1 SEN. BLUE: Aye. 2 CLERK: Brown? 3 SEN. BROWN: Aye. 4 CLERK: Clark? 5 SEN. CLARK: Aye. 6 CLERK: Harrington? 7 SEN. HARRINGTON: Aye. 8 CLERK: Hise? 9 SEN. HISE: Aye. 10 CLERK: Jackson? 11 SEN. JACKSON: Aye. 12 CLERK: Lee? 13 SEN. LEE: Aye. 14 CLERK: McKissick? 15 SEN. MCKISSICK: No. 16 CLERK: Randleman? 17 SEN. RANDLEMAN: Aye. 18 CLERK: Sanderson? 19 SEN. SANDERSON: Aye. 20 CLERK: Smith? 21 SEN. SMITH: Aye. 22 CLERK: Smith-Ingram? 23 SEN. SMITH-INGRAM: Aye. 24 CLERK: Wells? 25 SEN. WELLS: Aye.</p>

<p style="text-align: right;">78</p> <p>1 CLERK: One no.</p> <p>2 SEN. RUCHO: So 33 aye and 1 no, correct?</p> <p>3 CLERK: Yes.</p> <p>4 SEN. RUCHO: Members of the committee,</p> <p>5 the roll call vote on that, the criteria for the</p> <p>6 12th District adoption, is 33 aye and 1 no. All</p> <p>7 right.</p> <p>8 Before we go on to the next criteria,</p> <p>9 I'll make a statement to the committee that under</p> <p>10 the House rules, there is a way of amending or</p> <p>11 submitting an amendment forward. If you'll contact</p> <p>12 Ms. Churchill on this, she will assist you in doing</p> <p>13 so if you desire.</p> <p>14 All right, that being said,</p> <p>15 Representative Lewis, before us is --</p> <p>16 REP. LEWIS: "Compactness."</p> <p>17 SEN. RUCHO: -- "Compactness." All</p> <p>18 right. Please, Ms. Churchill, would you read that?</p> <p>19 MS. CHURCHILL: "Compactness: In light</p> <p>20 of the Harris court's criticism of the compactness</p> <p>21 of the 1st and 12th Districts, the committee shall</p> <p>22 make reasonable efforts to construct districts in</p> <p>23 the 2016 contingent Congressional plan that improve</p> <p>24 the compactness of the current districts and keep</p> <p>25 more counties and VTDs whole as compared to the</p>	<p style="text-align: right;">80</p> <p>1 Mecklenburg. There's only 1 in Wake, I believe.</p> <p>2 There's only 1 in Wake, and so 2 counties. There</p> <p>3 may be 2 in Guilford. Is there any other county</p> <p>4 with more than 1 incumbent?</p> <p>5 REP. LEWIS: Senator Blue, thank you for</p> <p>6 that question, and candidly, I don't believe so,</p> <p>7 but I don't know that, either.</p> <p>8 SEN. RUCHO: Follow-up?</p> <p>9 SEN. BLUE: So if the only place that you</p> <p>10 would worry about splitting the county to protect</p> <p>11 the incumbency would be Mecklenburg County based on</p> <p>12 the current layout -- I know that there are some of</p> <p>13 us counties that are split 3 and 4 different ways,</p> <p>14 but I know in Wake County, there's only 1 resident</p> <p>15 Congressperson, although we have 4 districts here,</p> <p>16 and I think that the same is true of every other</p> <p>17 county except Mecklenburg, with the exception of</p> <p>18 Guilford. There may be 2 from Guilford. I'm not</p> <p>19 sure, but nevertheless, why should we split</p> <p>20 counties if you don't have to, to protect the</p> <p>21 incumbents? Why shouldn't we leave counties whole</p> <p>22 all over the state except where you have to split</p> <p>23 them because of population?</p> <p>24 SEN. RUCHO: Representative Lewis?</p> <p>25 REP. LEWIS: Thank you for that question,</p>
<p style="text-align: right;">79</p> <p>1 current enacted plan. Division of counties shall</p> <p>2 only be made for reasons of equalizing population,</p> <p>3 consideration of incumbency, and political impact.</p> <p>4 Reasonable effort shall be made not to divide a</p> <p>5 county into more than two districts."</p> <p>6 SEN. RUCHO: Representative Lewis, would</p> <p>7 you please explain the "Compactness" criteria?</p> <p>8 REP. LEWIS: Thank you, Mr. Chairman. To</p> <p>9 be clear, the -- trying to explain compactness is</p> <p>10 very difficult, as I don't know that there is a</p> <p>11 hard-and-fast definition that I can offer to the</p> <p>12 committee. The way that I will interpret it is</p> <p>13 again trying to keep as many counties whole as</p> <p>14 possible, to split as few precincts as possible,</p> <p>15 and again, only to -- and to only do that to</p> <p>16 equalize population.</p> <p>17 I would -- I would point out, again going</p> <p>18 back to my friend, Representative Jackson's</p> <p>19 question, these criteria kind of layer on each</p> <p>20 other, and so I would -- I would urge the committee</p> <p>21 to adopt the guideline on compactness.</p> <p>22 SEN. RUCHO: Senator Blue?</p> <p>23 SEN. BLUE: Thank you. Representative</p> <p>24 Lewis, other than in 3 counties, are there multiple</p> <p>25 incumbents? I know that there's more than 1 in</p>	<p style="text-align: right;">81</p> <p>1 Senator Blue. My response would simply be that</p> <p>2 considering where incumbents live, and for lack of</p> <p>3 a better way to say it, the protection of</p> <p>4 incumbents has always been an accepted political</p> <p>5 practice in drawing maps. This does not require us</p> <p>6 to do that. This simply says that that could be</p> <p>7 one of the reasons that a county would be split.</p> <p>8 The most important part of this is trying</p> <p>9 to establish that we won't split counties more than</p> <p>10 2 times, and we've already passed a criteria that</p> <p>11 this reiterates, that the biggest reason a county</p> <p>12 should be split is only to equalize the population</p> <p>13 between the districts.</p> <p>14 SEN. BLUE: Follow-up.</p> <p>15 SEN. RUCHO: Follow-up.</p> <p>16 SEN. BLUE: And I agree with that, but</p> <p>17 I'm saying under the current scenario -- and in</p> <p>18 fact, I think Mecklenburg is the only county that</p> <p>19 has two Congresspeople, so you could split</p> <p>20 Mecklenburg anyhow because you've got to split it</p> <p>21 because it's got over 750,000, or whatever the</p> <p>22 number is, people. You've got to split Wake;</p> <p>23 you've got to split Mecklenburg. The others could</p> <p>24 be made whole except for population purposes, so</p> <p>25 why would you adopt criteria saying that you're not</p>

<p style="text-align: right;">82</p> <p>1 going to split counties except to protect</p> <p>2 incumbents when you don't have any incumbents to</p> <p>3 protect, and you ultimately say that you will split</p> <p>4 them for political impact, which means that you can</p> <p>5 indiscriminately split counties however you want to</p> <p>6 anyhow if you determine what the political impact</p> <p>7 is? Why would you say that, and why would you put</p> <p>8 that provision in there?</p> <p>9 SEN. RUCHO: Representative --</p> <p>10 SEN. BLUE: And that being said, would</p> <p>11 you be willing to --</p> <p>12 SEN. RUCHO: One question. Let him</p> <p>13 answer this one first, please.</p> <p>14 SEN. BLUE: It's part of the same</p> <p>15 question. That being said, would you be willing to</p> <p>16 strike after the comma and the word "population" on</p> <p>17 the third from the bottom line the phrases</p> <p>18 "consideration of incumbency" and "political</p> <p>19 impact" so that there's a clear signal that you're</p> <p>20 not going to split counties since you don't have to</p> <p>21 split them to protect incumbents, so that you're</p> <p>22 not going to split counties except where you have</p> <p>23 to, to get to the one person, one vote requirement?</p> <p>24 SEN. RUCHO: Representative Lewis, why</p> <p>25 don't you answer his first question first? He</p>	<p style="text-align: right;">84</p> <p>1 SEN. BLUE: If there is no incumbency,</p> <p>2 then incumbents won't be considered in splitting</p> <p>3 districts, and that can't be the reason for</p> <p>4 splitting it. I'm simply saying that when you say</p> <p>5 "political impact," you take away everything else</p> <p>6 you put in that phrase, and if we believe in</p> <p>7 keeping counties whole to the extent possible,</p> <p>8 especially small counties, if we believe in that,</p> <p>9 then all we've got to do is say we're only going to</p> <p>10 split counties to equalize population, and I'm</p> <p>11 wondering why it's so critical that you say</p> <p>12 "political impact," since that phrase is loaded</p> <p>13 with all kinds of subjective determinations, with</p> <p>14 the ability to totally disregard this earlier</p> <p>15 portion saying that you're not going to split</p> <p>16 counties, or you're only going to split counties to</p> <p>17 put them into two districts, because you don't say</p> <p>18 you won't split them; you say you'll make</p> <p>19 reasonable efforts not to. I'm saying why don't we</p> <p>20 have an absolute prohibition on splitting counties</p> <p>21 except when it's necessary to comply with one</p> <p>22 person, one vote?</p> <p>23 REP. LEWIS: Thank you for that question,</p> <p>24 Senator Blue. My response to that would be that we</p> <p>25 will look forward to reviewing maps that you may</p>
<p style="text-align: right;">83</p> <p>1 asked too many questions.</p> <p>2 REP. LEWIS: Senator Blue, thank you for</p> <p>3 that series of inquiries. I do apologize because I</p> <p>4 don't remember exactly what you asked.</p> <p>5 SEN. BLUE: Do you need me to reask it?</p> <p>6 REP. LEWIS: Let me just say that it is</p> <p>7 my intent to split as few counties as we possibly</p> <p>8 can, and to not allow the counties to be divided</p> <p>9 more than two times. Our overarching goal of this,</p> <p>10 as Representative Jackson and I have had some</p> <p>11 continued conversation, all of these criteria kind</p> <p>12 of overlap on each other.</p> <p>13 I would agree with you that equalizing</p> <p>14 population is a mandatory reason that a county may</p> <p>15 have to be split. I would also say that it would</p> <p>16 be dishonest of me to say that political impact</p> <p>17 can't be considered in how you draw districts.</p> <p>18 I don't see any harm in leaving the words</p> <p>19 "consideration of incumbency" because there's no</p> <p>20 requirement that the districts be drawn to include</p> <p>21 the current seated members. It just allows for</p> <p>22 the -- the consideration that they are -- that they</p> <p>23 are in fact there.</p> <p>24 SEN. BLUE: One last follow-up.</p> <p>25 SEN. RUCHO: Last follow-up.</p>	<p style="text-align: right;">85</p> <p>1 submit that follow that criteria. I feel very</p> <p>2 comfortable that we've made clear through this</p> <p>3 process of what our -- what our intents are, and I</p> <p>4 would prefer that this criteria remain as it's</p> <p>5 written.</p> <p>6 SEN. RUCHO: Thank you. Representative</p> <p>7 Jones?</p> <p>8 REP. JONES: Thank you, Mr. Chairman. I</p> <p>9 just wanted to clarify the record that there are</p> <p>10 two Congressmen that live in Guilford County, Mark</p> <p>11 Walker of the 6th District, and Alma Adams of the</p> <p>12 12th District.</p> <p>13 SEN. RUCHO: Okay. I've got -- I've got</p> <p>14 Senator Smith.</p> <p>15 SEN. SMITH: Thank you, Mr. Chairman. I</p> <p>16 certainly appreciate the idea of compactness. I</p> <p>17 very much want to see precincts and counties left</p> <p>18 whole. I would respectfully tell you that in 2011,</p> <p>19 there was a district drawn where an incumbent was</p> <p>20 drawn out. It was the district that I lived in,</p> <p>21 and so the 7th Congressional District drew -- was</p> <p>22 changed to the 8th Congressional District, and the</p> <p>23 Congressman McIntyre, who was the incumbent, was</p> <p>24 drawn out essentially of his own district, and my</p> <p>25 concern is what Senator Blue has said. The idea of</p>

<p style="text-align: right;">86</p> <p>1 compactness is great, but when we leave in this</p> <p>2 other phrase about incumbency, we have taken away</p> <p>3 the other reason, the only reason that really</p> <p>4 should be the case, and that is population.</p> <p>5 REP. LEWIS: Senator, I appreciate that.</p> <p>6 Again, I would state that equalizing population is</p> <p>7 definitely the required reason that a county may</p> <p>8 have to be split. This simply allows for</p> <p>9 consideration of incumbency and consideration of</p> <p>10 political impact. I don't -- I don't see that that</p> <p>11 would interfere with us being able to use</p> <p>12 compactness in drawing the maps.</p> <p>13 SEN. SMITH: Follow-up, Mr. Chair?</p> <p>14 SEN. RUCHO: Follow-up.</p> <p>15 SEN. SMITH: I just would point out that</p> <p>16 population was not the case in 2011, and my concern</p> <p>17 is that if we agree to this and keep this as</p> <p>18 incumbency and political impact, that that will end</p> <p>19 up trumping population, and splitting counties and</p> <p>20 precincts.</p> <p>21 SEN. RUCHO: Thank you. Representative</p> <p>22 Lewis, do you want to comment?</p> <p>23 REP. LEWIS: No.</p> <p>24 SEN. RUCHO: You're all set? Just a</p> <p>25 quick -- is it -- a question for the Chair,</p>	<p style="text-align: right;">88</p> <p>1 Representative Lewis: The way this is drafted now,</p> <p>2 what I'm seeing is a statement of an aspirational</p> <p>3 goal, but not a strict requirement. Is that</p> <p>4 correct, or is that a misreading? It's one thing</p> <p>5 to aspire to accomplish these things, which I</p> <p>6 support. It's another thing if you make it a</p> <p>7 litmus test, so can you clarify that?</p> <p>8 REP. LEWIS: Thank you for that question,</p> <p>9 Senator McKissick. Let me say that this is an</p> <p>10 aspirational goal.</p> <p>11 SEN. MCKISSICK: In which case, I embrace</p> <p>12 it.</p> <p>13 SEN. RUCHO: Okay. From the Chair,</p> <p>14 Senator McKissick [sic], a question that</p> <p>15 Representative Jackson asked earlier, and when you</p> <p>16 talk about the criteria, is it accurate to say that</p> <p>17 all of them are weighted at the same level, and</p> <p>18 it's a matter of harmonizing to try to get to a map</p> <p>19 that meets those criteria?</p> <p>20 (No response.)</p> <p>21 SEN. RUCHO: David?</p> <p>22 REP. LEWIS: I'm sorry, Mr. Chairman.</p> <p>23 SEN. RUCHO: Oh, I'm sorry. From the</p> <p>24 Chair, a question for you.</p> <p>25 REP. LEWIS: Yes, sir?</p>
<p style="text-align: right;">87</p> <p>1 Representative Lewis: Is it a requirement for a</p> <p>2 Congressional candidate to live in the district</p> <p>3 they're running in?</p> <p>4 REP. LEWIS: No. A candidate for</p> <p>5 Congress is not required to reside in the district</p> <p>6 in which they run.</p> <p>7 SEN. RUCHO: Okay, thank you. I've got</p> <p>8 Representative Hager.</p> <p>9 REP. HAGER: Thank you, Mr. Chairman, and</p> <p>10 thank you, Representative Lewis, for -- for this</p> <p>11 particularly, because as I said earlier, Rutherford</p> <p>12 County, prior to the Rucho-Lewis maps that we're</p> <p>13 under today, split Rutherford County between the</p> <p>14 10th and the 11th. Now, I find it -- and I have a</p> <p>15 question for you. I find it very ironic that that</p> <p>16 split for the 11th included -- came down Main</p> <p>17 Street in Rutherfordton to include Walter Dalton's</p> <p>18 house, so the question I have for you is we won't</p> <p>19 split districts depending on who we think may run</p> <p>20 for that Congressional district; would that be</p> <p>21 correct?</p> <p>22 REP. LEWIS: Yes, sir, that's correct.</p> <p>23 SEN. RUCHO: Okay. All right. I've got</p> <p>24 Senator McKissick.</p> <p>25 SEN. MCKISSICK: Let me ask you this,</p>	<p style="text-align: right;">89</p> <p>1 SEN. RUCHO: Based on what Representative</p> <p>2 Jackson asked earlier, all of these criteria listed</p> <p>3 that's being submitted and voted upon, is it fair</p> <p>4 to say that the criteria established are not ranked</p> <p>5 as far as priorities, but are a matter of</p> <p>6 harmonizing until you can get a map that meets</p> <p>7 those criteria?</p> <p>8 REP. LEWIS: That's correct, sir. We are</p> <p>9 seeking aspirational harmony.</p> <p>10 (Laughter.)</p> <p>11 SEN. RUCHO: Okay. Do you have a motion?</p> <p>12 REP. LEWIS: Mr. Chairman, I would move</p> <p>13 that the 2016 contingent Congressional plan</p> <p>14 proposed criteria labeled "Compactness" be adopted</p> <p>15 by the committee.</p> <p>16 SEN. RUCHO: All right. I've got --</p> <p>17 Representative Davis has seconded that motion.</p> <p>18 Members of the committee, any questions, comments</p> <p>19 prior to a roll call vote? Representative Farmer-</p> <p>20 Butterfield?</p> <p>21 REP. FARMER-BUTTERFIELD: Thank you. I</p> <p>22 want to ask about the hearings yesterday and how</p> <p>23 much impact they had on the criteria, if any, based</p> <p>24 on what you're presenting today.</p> <p>25 SEN. RUCHO: Representative Lewis?</p>

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<p>1 REP. LEWIS: Thank you for that -- thank 2 you for that inquiry, Representative. I will tell 3 you that many things that stand out in my mind are 4 do away with the 12th, keep counties whole, all of 5 which we've addressed in this, so I would say that 6 they had a great deal of impact on the criteria 7 that you have before you. 8 SEN. RUCHO: All set? Okay. Yes, 9 Representative Stevens? 10 REP. STEVENS: Thank you, Mr. Chair, and 11 I just wanted to commend Representative Lewis and 12 perhaps answer some of the things that some of the 13 people are talking about, and I'd like to read -- I 14 guess it's about one and a half paragraphs of one 15 of the most recent redistricting cases in March of 16 2015. 17 It says, "Now consider the nature of 18 those offsetting 'traditional race-neutral 19 districting principles.' We have listed several, 20 including 'compactness, contiguity, respect for 21 political subdivisions or communities defined by 22 actual shared interests,' incumbency protection, 23 and political affiliation," those things that we've 24 done. 25 The next paragraph says, "But we have not</p>	<p>1 CLERK: Brawley? 2 REP. BRAWLEY: Aye. 3 CLERK: Cotham? 4 REP. COTHAM: No. 5 CLERK: Davis? 6 REP. DAVIS: Aye. 7 CLERK: Farmer-Butterfield? 8 REP. FARMER-BUTTERFIELD: No. 9 CLERK: Hager? 10 REP. HAGER: Aye. 11 CLERK: Hanes? 12 REP. HANES: Yes. 13 CLERK: Hardister? 14 REP. HARDISTER: Aye. 15 CLERK: Hurley? 16 REP. HURLEY: Aye. 17 CLERK: Jackson? 18 REP. JACKSON: No. 19 CLERK: Johnson? 20 REP. JOHNSON: Aye. 21 CLERK: Jordan? 22 REP. JORDAN: Aye. 23 CLERK: McGrady? 24 REP. MCGRADY: Aye. 25 CLERK: Michaux?</p>
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<p>1 listed equal population objectives. And there is a 2 reason for that omission. The reason that equal 3 population objectives do not appear on this list of 4 'traditional' criteria is that equal population 5 objectives play a major -- different role in a 6 State's redistricting process. That role is not a 7 minor one. Indeed, in light of the Constitution's 8 demands, that role may often prove 'predominant' in 9 the ordinary sense of that word," because the equal 10 population, it goes on to talk about in the voting 11 rights districts we really have to take a different 12 focus on that, so I commend you for all of the 13 criteria you've set forward. It seems to comply 14 with the most recent case law. 15 SEN. RUCHO: Representative Lewis? 16 REP. LEWIS: Yes, sir, Mr. Chairman? 17 SEN. RUCHO: All set? We've got a motion 18 before us that we approve of the criteria that was 19 listed and debated on the compactness. We've had a 20 second from Representative Davis. Mr. Clerk, would 21 you call the roll? 22 CLERK: Lewis? 23 REP. LEWIS: Aye. 24 CLERK: Jones? 25 REP. JONES: Aye.</p>	<p>1 REP. MICHAUX: No. 2 CLERK: Moore? 3 REP. MOORE: Yes. 4 CLERK: Stam? 5 REP. STAM: Yes. 6 CLERK: Stevens? 7 REP. STEVENS: Yes. 8 CLERK: Rucho? 9 SEN. RUCHO: Aye. 10 CLERK: Apodaca? 11 SEN. APODACA: Aye. 12 CLERK: Barefoot? 13 SEN. BAREFOOT: Aye. 14 CLERK: Blue? 15 SEN. BLUE: No. 16 CLERK: Brown? 17 SEN. BROWN: Aye. 18 CLERK: Clark? 19 SEN. CLARK: No. 20 CLERK: Harrington? 21 SEN. HARRINGTON: Aye. 22 CLERK: Hise? 23 SEN. HISE: Aye. 24 CLERK: Jackson? 25 SEN. JACKSON: Aye.</p>

<p style="text-align: right;">94</p> <p>1 CLERK: Lee?</p> <p>2 SEN. LEE: Aye.</p> <p>3 CLERK: McKissick?</p> <p>4 SEN. MCKISSICK: Aye.</p> <p>5 CLERK: Randleman?</p> <p>6 SEN. RANDLEMAN: Aye.</p> <p>7 CLERK: Sanderson?</p> <p>8 SEN. SANDERSON: Aye.</p> <p>9 CLERK: Smith?</p> <p>10 SEN. SMITH: No.</p> <p>11 CLERK: Smith-Ingram?</p> <p>12 SEN. SMITH-INGRAM: Aye.</p> <p>13 CLERK: Wells?</p> <p>14 SEN. WELLS: Aye.</p> <p>15 SEN. RUCHO: Members of the committee,</p> <p>16 the roll was taken. We have the ayes, 27, the</p> <p>17 noes, 7. That was adopted. Okay, everyone, pay</p> <p>18 close attention here. We have before us another</p> <p>19 criteria entitled "Incumbency." Ms. Churchill?</p> <p>20 MS. CHURCHILL: "Incumbency: Candidates</p> <p>21 for Congress are not required by law to reside in a</p> <p>22 district they seek to represent; however,</p> <p>23 reasonable efforts shall be made to ensure that</p> <p>24 incumbent members of Congress are not paired with</p> <p>25 another incumbent in one of the new districts</p>	<p style="text-align: right;">96</p> <p>1 REP. JONES: Aye.</p> <p>2 CLERK: Brawley?</p> <p>3 REP. BRAWLEY: Aye.</p> <p>4 CLERK: Cotham?</p> <p>5 (No response.)</p> <p>6 CLERK: Davis?</p> <p>7 (No response.)</p> <p>8 CLERK: Farmer-Butterfield?</p> <p>9 REP. FARMER-BUTTERFIELD: Yes.</p> <p>10 CLERK: Hager?</p> <p>11 REP. HAGER: Aye.</p> <p>12 CLERK: Hanes?</p> <p>13 REP. HANES: Aye.</p> <p>14 CLERK: Hardister?</p> <p>15 REP. HARDISTER: Aye.</p> <p>16 CLERK: Hurley?</p> <p>17 REP. HURLEY: Aye.</p> <p>18 CLERK: Jackson?</p> <p>19 REP. JACKSON: Aye.</p> <p>20 CLERK: Johnson?</p> <p>21 REP. JOHNSON: Aye.</p> <p>22 CLERK: Jordan?</p> <p>23 REP. JORDAN: Aye.</p> <p>24 CLERK: McGrady?</p> <p>25 REP. MCGRADY: Aye.</p>
<p style="text-align: right;">95</p> <p>1 constructed in the 2016 contingent Congressional</p> <p>2 plan."</p> <p>3 REP. LEWIS: Mr. Chairman, I'd call this</p> <p>4 the Senator Smith criteria, and I'd move its</p> <p>5 adoption.</p> <p>6 SEN. RUCHO: All right. That was the</p> <p>7 explanation?</p> <p>8 REP. LEWIS: Well, this is also</p> <p>9 aspirational, and attempting to harmonize the other</p> <p>10 criteria.</p> <p>11 SEN. RUCHO: All right. Members of the</p> <p>12 committee, any questions or comments on the</p> <p>13 criteria before you dealing with incumbency?</p> <p>14 (No response.)</p> <p>15 SEN. RUCHO: Seeing none, Representative</p> <p>16 Lewis has a motion that we -- that we approve --</p> <p>17 adopt the incumbency criteria. Representative</p> <p>18 Brawley seconded. We have before us -- any</p> <p>19 additional thoughts or questions?</p> <p>20 (No response.)</p> <p>21 SEN. RUCHO: If not, we'll take a roll.</p> <p>22 Mr. Clerk?</p> <p>23 CLERK: Lewis?</p> <p>24 REP. LEWIS: Aye.</p> <p>25 CLERK: Jones?</p>	<p style="text-align: right;">97</p> <p>1 CLERK: Michaux?</p> <p>2 REP. MICHAUX: Aye.</p> <p>3 CLERK: Moore?</p> <p>4 REP. MOORE: Aye.</p> <p>5 CLERK: Stam?</p> <p>6 REP. STAM: Aye.</p> <p>7 CLERK: Stevens?</p> <p>8 REP. STEVENS: Aye.</p> <p>9 CLERK: Rucho?</p> <p>10 SEN. RUCHO: Aye.</p> <p>11 CLERK: Apodaca?</p> <p>12 SEN. APODACA: Aye.</p> <p>13 CLERK: Barefoot?</p> <p>14 SEN. BAREFOOT: Aye.</p> <p>15 CLERK: Blue?</p> <p>16 SEN. BLUE: Aye.</p> <p>17 CLERK: Brown?</p> <p>18 SEN. BROWN: Aye.</p> <p>19 CLERK: Clark?</p> <p>20 SEN. CLARK: No.</p> <p>21 CLERK: Harrington?</p> <p>22 SEN. HARRINGTON: Aye.</p> <p>23 CLERK: Hise?</p> <p>24 SEN. HISE: Aye.</p> <p>25 CLERK: Jackson?</p>

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<p>1 SEN. JACKSON: Aye. 2 CLERK: Lee? 3 SEN. LEE: Aye. 4 CLERK: McKissick? 5 SEN. MCKISSICK: Aye. 6 CLERK: Randleman? 7 SEN. RANDLEMAN: Aye. 8 CLERK: Sanderson? 9 SEN. SANDERSON: Aye. 10 CLERK: Smith? 11 SEN. SMITH: Aye. 12 CLERK: Smith-Ingram? 13 SEN. SMITH-INGRAM: Aye. 14 CLERK: Wells? 15 SEN. WELLS: Aye. 16 SEN. RUCHO: All right. 17 REP. MICHAUX: Mr. Chairman? 18 SEN. RUCHO: One second. Let me call the 19 vote, please. We had aye, 31, no, 1. That 20 criteria for incumbency has been adopted. All 21 right. Question, Senator -- Representative 22 McKissick -- I mean, excuse me -- sorry. Mr. 23 Michaux, did you have a question? 24 REP. MICHAUX: No. 25 SEN. RUCHO: Okay. I thought I heard</p>	<p>1 amendments, so a couple of minutes to break. 2 (RECESS, 12:04 - 12:22 P.M.) 3 SEN. RUCHO: All right, members of the 4 committee, I think you have on each of your desks a 5 copy of an amendment submitted by Representative 6 Paul Stam, "Amendment to Political Data Criteria 7 #3." Representative Stam? 8 REP. STAM: Yes. It's just sort of 9 technical. I kept reading that thing, and the way 10 it read, you could read it that you couldn't 11 consider data from the 2008 election, since it said 12 "since 2008," so this makes clear that yes, you can 13 consider 2008 and things forward. 14 SEN. RUCHO: All right. You've explained 15 it. Is that a motion you're making? 16 REP. STAM: I move the amendment. 17 SEN. RUCHO: Representative Lewis? 18 REP. LEWIS: Mr. Chairman, if I could, to 19 the maker of the amendment, Representative Stam, 20 would the gentleman consider striking "#3" to make 21 clear that these are in no particular order? In 22 other words, it would say, "Amendment to Political 23 Data Criteria." 24 REP. STAM: Oh, sure. Well, it would 25 be -- yes, yes, I do. Whether it's spelled</p>
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<p>1 something from over there. 2 REP. LEWIS: Thank you, Mr. Chairman, 3 members. 4 SEN. RUCHO: Okay, let me see. All 5 right. We -- I mentioned earlier that -- 6 amendments being submitted. Are there any 7 amendments that are going to be submitted? All 8 right. Representative Blue? 9 SEN. BLUE: I have one that -- 10 SEN. RUCHO: Excuse me, Senator Blue. 11 I'm sorry. 12 SEN. BLUE: I have one. I had to change 13 it after the adoption of one of the other 14 amendments. I had given it to Erika earlier. 15 SEN. RUCHO: All right. It's being 16 worked on? 17 SEN. BLUE: Yeah. 18 SEN. RUCHO: Okay. I think Senator Hise 19 has an amendment. Okay. Senator Hise, do you have 20 an amendment? 21 SEN. HISE: I have a motion. 22 SEN. RUCHO: Motion. One second. They 23 need to have copies for distribution. (Pause.) 24 I'd like to have the committee stand at ease for a 25 few moments while we have some copies made of the</p>	<p>1 "criterion" or "criteria," I will. 2 SEN. RUCHO: All right. So therefore, 3 the amendment that you've having strikes out -- or 4 it just says "Amendment to Political Data," and 5 then you're striking out -- excuse me -- "Political 6 Data Criteria." You're striking out "#3"? 7 REP. STAM: We're striking out "#3." 8 SEN. RUCHO: Just "#3." Members of the 9 committee, is that clear? 10 REP. LEWIS: Mr. Chairman? 11 SEN. RUCHO: Who's calling me? Oh, 12 Representative Lewis? 13 REP. LEWIS: I would support the 14 gentleman's amendment. 15 SEN. RUCHO: All right. Representative 16 Stam has submitted an amendment before you, and 17 it's open for discussion. Members of the 18 committee? 19 (No response.) 20 SEN. RUCHO: Seeing none, would you have 21 a roll call, Mr. Clerk? 22 CLERK: Lewis? 23 REP. LEWIS: Aye. 24 CLERK: Lewis, aye. Jones? 25 REP. JONES: Aye.</p>

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<p>1 CLERK: Jones, aye. Brawley? 2 REP. BRAWLEY: Aye. 3 CLERK: Brawley, aye. Cotham? 4 REP. COTHAM: Aye. 5 CLERK: Cotham, aye. Davis? 6 REP. DAVIS: Aye. 7 CLERK: Davis, aye. Farmer-Butterfield? 8 REP. FARMER-BUTTERFIELD: Aye. 9 CLERK: Farmer-Butterfield, aye. Hager? 10 REP. HAGER: Aye. 11 CLERK: Hager, aye. Hanes? 12 REP. HANES: Aye. 13 CLERK: Hanes, aye. Hardister? 14 REP. HARDISTER: Aye. 15 CLERK: Hardister, aye. Hurley? 16 REP. HURLEY: Aye. 17 CLERK: Hurley, aye. Jackson? 18 REP. JACKSON: Aye. 19 CLERK: Jackson, aye. Johnson? 20 REP. JOHNSON: Aye. 21 CLERK: Johnson, aye. Jordan? 22 REP. JORDAN: Aye. 23 CLERK: Jordan, aye. McGrady? 24 REP. MCGRADY: Aye. 25 CLERK: McGrady, aye. Michaux?</p>	<p>1 CLERK: Jackson, aye. Lee? 2 SEN. LEE: Aye. 3 CLERK: Lee, aye. McKissick? 4 SEN. MCKISSICK: No. 5 CLERK: McKissick, no. Randleman? 6 SEN. RANDLEMAN: Aye. 7 CLERK: Randleman, aye. Sanderson? 8 SEN. SANDERSON: Aye. 9 CLERK: Sanderson, aye. Smith? 10 SEN. SMITH: No. 11 CLERK: Smith, no. Smith-Ingram? 12 SEN. SMITH-INGRAM: Nay. 13 CLERK: Smith-Ingram, no. Wells? 14 SEN. WELLS: Aye. 15 CLERK: Aye. 4. 16 SEN. RUCHO: That makes 30 yeses. Did 17 everybody vote? 18 CLERK: Yes. 30 to 4. 19 SEN. RUCHO: All right, members of the 20 committee, on the roll-call vote on Representative 21 Stam's amendment dealing with -- and it's titled 22 "Amendment to Political Data Criteria." It is 23 adopted 30 to 4. 24 Okay, we'll now just -- we'll go on to 25 the next. (Pause.) All right, members, you have</p>
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<p>1 REP. MICHAUX: Aye. 2 CLERK: Michaux, aye. Moore? 3 REP. MOORE: Aye. 4 CLERK: Moore, aye. Stam? 5 REP. STAM: Aye. 6 CLERK: Stam, aye. Stevens? 7 REP. STEVENS: Aye. 8 CLERK: Stevens, aye. Rucho? 9 SEN. RUCHO: Aye. 10 CLERK: Rucho, aye. Apodaca? 11 SEN. APODACA: Aye. 12 CLERK: Apodaca, aye. Barefoot? 13 SEN. BAREFOOT: Aye. 14 CLERK: Barefoot, aye. Blue? 15 SEN. BLUE: No. 16 CLERK: Blue, no. Brown? 17 SEN. BROWN: Aye. 18 CLERK: Brown, aye. Clark? 19 SEN. CLARK: No. 20 CLERK: Clark, no. Harrington? 21 SEN. HARRINGTON: Aye. 22 CLERK: Harrington, aye. Hise? 23 SEN. HISE: Aye. 24 CLERK: Hise, aye. Jackson? 25 SEN. JACKSON: Aye.</p>	<p>1 an amendment coming out toward you, and it is 2 "Amendment, Compactness Criteria." It's -- all 3 right. 4 REP. LEWIS: Mr. Chairman? 5 SEN. RUCHO: Yes, sir, Representative 6 Lewis? Excuse me, Representative Lewis. I've 7 got -- we need to have Senator Blue explain his 8 amendment. Go ahead. 9 REP. LEWIS: I was wondering if Senator 10 Blue would agree to a -- to a technical fix to 11 strike the number sign and the 6. 12 SEN. BLUE: I would. 13 SEN. RUCHO: Okay. Members of the 14 committee, on Senator Blue's amendment, the title 15 will be, "Amendment, Compactness Criteria." You 16 will scratch "#6." That will not be in there. 17 All right, Senator Blue, everyone has a 18 copy of the amendment. Would you like to explain 19 your amendment? 20 SEN. BLUE: I would. Thank you, Mr. 21 Chairman. Mr. Chairman and ladies and gentlemen of 22 the committee and Senators and House members 23 present, what I tried to do in this amendment is 24 simply recognize that the county is the most 25 important governmental unit following the state,</p>

<p style="text-align: right;">106</p> <p>1 because they're extensions of the state, and to set 2 forth clearly that we are -- we're only going to 3 divide counties when you're equalizing population, 4 although that's a federal requirement, too, and 5 when you're complying with federal law. 6 It's something you've got to do. You 7 might as well admit that we have to comply with 8 federal law. Federal law is supreme, and so this 9 says that we will split counties only when you're 10 trying to get down to zero deviation in population, 11 which we're going to try to do, I take it, and only 12 when you're complying with a federal law regarding 13 redistricting. All of the other reasons that have 14 been given would not be justification for splitting 15 counties, and I move the adoption of the amendment. 16 SEN. RUCHO: Representative Lewis? 17 REP. LEWIS: Thank you, Mr. Chairman, and 18 thank you, Senator Blue, for that explanation. Let 19 me be clear, ladies and gentlemen. We of course 20 are going to comply with federal law. We would not 21 be here were we not attempting to comply with the 22 federal decision issued by the courts. I would 23 submit that this amendment is not necessary, and 24 should not be adopted because we of course are 25 going -- as Senator Blue said, of course we're</p>	<p style="text-align: right;">108</p> <p>1 were looking at. I can't really look at all that I 2 want to. 3 SEN. RUCHO: Okay. You all set? Members 4 of the committee -- oh, excuse me. Senator Hise? 5 SEN. HISE: Thank you, Mr. Chairman, and 6 this may be for -- just trying to get clarity on 7 what this amendment would actually do. One of the 8 outcomes of the last maps is that all of the major 9 urban areas in the state were represented by two 10 Congressmen that was coming in, and something we 11 saw at least that was coming in. Would this 12 amendment prohibit that type of decision for those 13 districts so that -- as that would be a political 14 impact that was coming in that we could not make 15 sure that urban areas were represented by two 16 Congressmen? 17 SEN. RUCHO: Okay. Representative -- 18 excuse me. Senator Blue, would you please answer 19 that question? 20 SEN. BLUE: I'll be happy to answer that. 21 Certainly not. As I said, the only two counties 22 that absolutely would be guaranteed to be 23 represented by two Congresspeople would be 24 Mecklenburg and Wake, since each of them has a 25 population in excess of the 700-plus thousand</p>
<p style="text-align: right;">107</p> <p>1 going to comply with the federal law. 2 As we've already had a pretty lengthy 3 discussion, that consideration, the word 4 "consideration" of incumbency and political impact 5 may be considered. It's not required to be 6 considered, and I've already stated for the record 7 that equalizing population is the most important 8 reason that a county would be divided. I would 9 respectfully ask the members to vote against this 10 amendment. 11 SEN. RUCHO: I've got Representative 12 Stam. 13 REP. STAM: I would oppose the amendment, 14 and point out what may be obvious. Senator Blue as 15 the Minority Leader is going to be perfectly 16 entitled to submit his own plan, and nothing in 17 what we've written would prohibit him from striking 18 those two criteria from his maps. He doesn't need 19 this amendment to do what he wants to do. 20 SEN. RUCHO: Yes, Senator Blue? 21 SEN. BLUE: Just a comment. My cape 22 disappeared, and I'm not Superman anymore, so I 23 can't do a map in a day that takes into account all 24 of the stuff that we have as criteria. I was 25 thinking we were narrowing the things that we</p>	<p style="text-align: right;">109</p> <p>1 that's necessary to draw a Congressional district. 2 If you started drawing a district toward an urban 3 area, then you could split that urban area when you 4 got to it so that it's in two separate districts. 5 This would in no way prohibit having two 6 Congresspeople from whichever other urban areas 7 other than Wake and Mecklenburg, where you'd be 8 guaranteed at least two, where you could bring them 9 into one of the urban counties, but you couldn't 10 split it but one time, so you get -- you could get 11 two from Guilford, two from Cumberland, two from 12 Forsyth, two from any of the counties, including 13 the smallest, if you paired it with a much bigger 14 population. 15 SEN. RUCHO: Representative Lewis, 16 comment? 17 REP. LEWIS: No, sir. I would say I'm 18 sure that the answer Senator Blue gave is correct 19 to Senator Hise's question. I just again would not 20 support the amendment as it's drafted for the 21 reasons that I've already stated. 22 SEN. RUCHO: All right. Members of the 23 committee, you have an amendment before you from 24 Senator Blue, and the amendment is entitled 25 "Amendment, Compactness Criteria." Any additional</p>

<p style="text-align: right;">110</p> <p>1 questions, comments? 2 (No response.) 3 SEN. RUCHO: Seeing none, the roll call, 4 Mr. Clerk? 5 CLERK: Lewis? 6 REP. LEWIS: No. 7 CLERK: Lewis, no. Jones? 8 REP. JONES: No. 9 CLERK: Jones, no. Brawley? 10 REP. BRAWLEY: No. 11 CLERK: Brawley, no. Cotham? 12 REP. COTHAM: Yes. 13 CLERK: Cotham, yes. Davis? 14 REP. DAVIS: No. 15 CLERK: Davis, no. Farmer-Butterfield? 16 REP. FARMER-BUTTERFIELD: Yes. 17 CLERK: Farmer-Butterfield, yes. Hager? 18 REP. HAGER: No. 19 CLERK: Hager, no. Hanes? 20 REP. HANES: Yes. 21 CLERK: Hanes, yes. Hardister? 22 REP. HARDISTER: No. 23 CLERK: Hardister, no. Hurley? 24 REP. HURLEY: No. 25 CLERK: Hurley, no. Jackson?</p>	<p style="text-align: right;">112</p> <p>1 CLERK: Brown, no. Clark? 2 SEN. CLARK: Aye. 3 CLERK: Clark, aye. Harrington? 4 SEN. HARRINGTON: No. 5 CLERK: Harrington, no. Hise? 6 SEN. HISE: No. 7 CLERK: Hise, no. Jackson? 8 SEN. JACKSON: No. 9 CLERK: Jackson, no. Lee? 10 SEN. LEE: No. 11 CLERK: Lee, no. McKissick? 12 SEN. MCKISSICK: Aye. 13 CLERK: McKissick, aye. Randleman? 14 SEN. RANDLEMAN: No. 15 CLERK: Randleman, no. Sanderson? 16 SEN. SANDERSON: No. 17 CLERK: Sanderson, no. Smith? 18 SEN. SMITH: Aye. 19 CLERK: Smith, aye. Smith-Ingram? 20 SEN. SMITH-INGRAM: Aye. 21 CLERK: Smith-Ingram, aye. Wells? 22 SEN. WELLS: No. 23 CLERK: No. 24 SEN. RUCHO: All right, members of the 25 committee, the roll call vote was aye -- excuse</p>
<p style="text-align: right;">111</p> <p>1 REP. JACKSON: Yes. 2 CLERK: Jackson, yes. Johnson? 3 REP. JOHNSON: No. 4 CLERK: Johnson, no. Jordan? 5 REP. JORDAN: No. 6 CLERK: Jordan, no. McGrady? 7 REP. MCGRADY: No. 8 CLERK: McGrady, no. Michaux? 9 REP. MICHAUX: Aye. 10 CLERK: Michaux, aye. Moore? 11 REP. MOORE: Aye. 12 CLERK: Moore, aye. Stam? 13 REP. STAM: No. 14 CLERK: Stam, no. Stevens? 15 REP. STEVENS: No. 16 CLERK: Stevens, no. Rucho? 17 SEN. RUCHO: No. 18 CLERK: Rucho, no. Apodaca? 19 SEN. APODACA: No. 20 CLERK: Apodaca, no. Barefoot? 21 SEN. BAREFOOT: No. 22 CLERK: Barefoot, no. Blue? 23 SEN. BLUE: Aye. 24 CLERK: Blue, aye. Brown? 25 SEN. BROWN: No.</p>	<p style="text-align: right;">113</p> <p>1 me -- no, 23; aye, 11. 2 All right, we have another one before us, 3 and this one will be Senator Erica Smith-Ingram's 4 amendment on criteria. 5 REP. LEWIS: Mr. Chairman? 6 SEN. RUCHO: Yes, Representative Lewis? 7 REP. LEWIS: Would Senator Smith-Ingram 8 agree to a small technical amendment to strike the 9 number and "6"? 10 SEN. SMITH-INGRAM: Yes. 11 REP. LEWIS: Thank you, ma'am. 12 SEN. RUCHO: Members of the committee, 13 Senator Smith-Ingram has agreed to a technical 14 amendment that will strike the title, and the title 15 will read "Amendment to Compactness Criteria," and 16 that'll be all it'll say there. 17 Okay, I have Senator Smith-Ingram to 18 present her amendment. 19 SEN. SMITH-INGRAM: Thank you, Mr. Chair. 20 In light of our previous discussions and our effort 21 to promote harmony, you can have one-part harmony, 22 two-part, three-part. In this case, this will add 23 the four-part harmony, and I would ask staff if 24 there is needed discussion about the actual 25 language, it came from the federal case.</p>

<p style="text-align: right;">114</p> <p>1 REP. LEWIS: Mr. Chairman?</p> <p>2 SEN. RUCHO: Representative Lewis,</p> <p>3 comment?</p> <p>4 REP. LEWIS: Yes, sir. I appreciate the</p> <p>5 amendment and the sentiment expressed by the</p> <p>6 Senator. I would offer that it appears to me that</p> <p>7 the language that's attempting to be added is</p> <p>8 somewhat vague and nebulous, as I don't know that</p> <p>9 we have a defined -- or an actionable definition of</p> <p>10 what "community of interest" is, or "community of</p> <p>11 shared interest," so respectfully, I would ask the</p> <p>12 committee to defeat this amendment.</p> <p>13 SEN. RUCHO: Members of the committee,</p> <p>14 any questions or comments?</p> <p>15 (No response.)</p> <p>16 SEN. RUCHO: We have a motion before us</p> <p>17 dealing with "Amendment to Compact Criteria"</p> <p>18 submitted by Senator Erica Smith-Ingram. You have</p> <p>19 that before you. Seeing no comments or questions,</p> <p>20 Mr. Clerk, roll call, please?</p> <p>21 CLERK: Lewis?</p> <p>22 REP. LEWIS: No.</p> <p>23 CLERK: Lewis, no. Jones?</p> <p>24 REP. JONES: No.</p> <p>25 CLERK: Jones, no. Brawley?</p>	<p style="text-align: right;">116</p> <p>1 CLERK: Michaux, yes. Moore?</p> <p>2 REP. MOORE: Yea.</p> <p>3 CLERK: Moore, yea. Stam?</p> <p>4 REP. STAM: No.</p> <p>5 CLERK: Stam, no. Stevens?</p> <p>6 REP. STEVENS: Yes.</p> <p>7 CLERK: Stevens --</p> <p>8 REP. STEVENS: Sorry. No.</p> <p>9 CLERK: Stevens, no. Rucho?</p> <p>10 SEN. RUCHO: No.</p> <p>11 CLERK: Rucho, no. Apodaca?</p> <p>12 SEN. APODACA: No.</p> <p>13 CLERK: Apodaca, no. Barefoot?</p> <p>14 SEN. BAREFOOT: No.</p> <p>15 CLERK: Barefoot, no. Blue?</p> <p>16 SEN. BLUE: Yes.</p> <p>17 CLERK: Blue, yes. Brown?</p> <p>18 SEN. BROWN: No.</p> <p>19 CLERK: Brown, no. Clark?</p> <p>20 SEN. CLARK: Yes.</p> <p>21 CLERK: Clark, yes. Harrington?</p> <p>22 SEN. HARRINGTON: No.</p> <p>23 CLERK: Harrington, no. Hise?</p> <p>24 SEN. HISE: No.</p> <p>25 CLERK: Hise, no. Jackson?</p>
<p style="text-align: right;">115</p> <p>1 REP. BRAWLEY: No.</p> <p>2 CLERK: Brawley, no. Cotham?</p> <p>3 REP. COTHAM: Yes.</p> <p>4 CLERK: Cotham, yes. Davis?</p> <p>5 REP. DAVIS: No.</p> <p>6 CLERK: Davis, no. Farmer-Butterfield?</p> <p>7 REP. FARMER-BUTTERFIELD: Yes.</p> <p>8 CLERK: Farmer-Butterfield, yes. Hager?</p> <p>9 REP. HAGER: No.</p> <p>10 CLERK: Hager, no. Hanes?</p> <p>11 REP. HANES: Yes.</p> <p>12 CLERK: Hanes, yes. Hardister?</p> <p>13 REP. HARDISTER: No.</p> <p>14 CLERK: Hardister, no. Hurley?</p> <p>15 REP. HURLEY: No.</p> <p>16 CLERK: Hurley, no. Jackson?</p> <p>17 REP. JACKSON: Yes.</p> <p>18 CLERK: Jackson, yes. Johnson?</p> <p>19 REP. JOHNSON: No.</p> <p>20 CLERK: Johnson, no. Jordan?</p> <p>21 REP. JORDAN: No.</p> <p>22 CLERK: Jordan, no. McGrady?</p> <p>23 REP. MCGRADY: No.</p> <p>24 CLERK: McGrady, no. Michaux?</p> <p>25 REP. MICHAUX: Yes.</p>	<p style="text-align: right;">117</p> <p>1 SEN. JACKSON: No.</p> <p>2 CLERK: Jackson, no. Lee?</p> <p>3 SEN. LEE: No.</p> <p>4 CLERK: Lee, no. McKissick?</p> <p>5 SEN. MCKISSICK: Yes.</p> <p>6 CLERK: McKissick, yes. Randleman?</p> <p>7 SEN. RANDLEMAN: No.</p> <p>8 CLERK: Randleman, no. Sanderson?</p> <p>9 SEN. SANDERSON: No.</p> <p>10 CLERK: Sanderson, no. Smith?</p> <p>11 SEN. SMITH: Aye.</p> <p>12 CLERK: Smith, aye. Smith-Ingram?</p> <p>13 SEN. SMITH-INGRAM: Aye.</p> <p>14 CLERK: Smith-Ingram, aye. Wells?</p> <p>15 SEN. WELLS: No.</p> <p>16 CLERK: Wells, no. 23-11.</p> <p>17 SEN. RUCHO: 23 no; 11 yes?</p> <p>18 CLERK: Yes.</p> <p>19 SEN. RUCHO: Members of the committee, on</p> <p>20 "Amendment to Compactness Criteria" from Senator</p> <p>21 Erica Smith-Ingram, the ayes, 11; the noes, 23.</p> <p>22 That amendment was not adopted.</p> <p>23 All right, we have another one, and I</p> <p>24 believe it's already at your desk, and this one is</p> <p>25 "Communities of Interest," submitted by Senator</p>

<p style="text-align: right;">118</p> <p>1 Floyd McKissick. Senator McKissick, would you like 2 to explain your amendment? 3 SEN. MCKISSICK: Sure, and it's very 4 straightforward. It's not seeking to amend any 5 other criteria. This would just be a criteria that 6 is aspirational, as many of the others. It does 7 follow case law in terms of what is stated, and 8 what this says is that the committee will make 9 reasonable efforts to respect political 10 subdivisions, cities, towns, what have you, as well 11 as communities as defined by actual interest. What 12 I would like to do is recognize Kara as well as 13 Erica, perhaps, to provide further clarification in 14 terms of existing case law. 15 I think we are -- we would be remiss if 16 we did not include this as one of the benchmarks 17 that we would seek to use in drawing the plans as 18 we move forward. I can't imagine why we would want 19 to ignore communities of shared interest or not 20 respect political subdivisions other than counties. 21 This is talking about other political subdivisions 22 or towns that might be within these Congressional 23 districts, which should also be respected to the 24 extent it's possible and feasible to do so, not 25 just counties.</p>	<p style="text-align: right;">120</p> <p>1 on the vagueness of these terms, to reject this 2 additional criteria. 3 SEN. MCKISSICK: Follow-up, Mr. Chair? 4 SEN. RUCHO: Senator McKissick? 5 SEN. MCKISSICK: Let me ask you this, 6 Representative Lewis: I see you have some problems 7 with that terminology that was used by the US 8 Supreme Court, which I think is pretty clear in 9 terms of a directive, but what is the objection to 10 respecting political subdivisions, because I would 11 think that we would all want to do so for the 12 cities and towns and communities -- 13 SEN. RUCHO: Representative Lewis? 14 SEN. MCKISSICK: -- represent, and they 15 are used collectively by the Supreme Court, but I 16 mean, if you have problems with that, I think 17 you've got still to follow it, or you end up in 18 litigation. I don't think any of us want to end up 19 in litigation any more than we already are in this 20 state. I don't know why -- what's the objection to 21 respecting political subdivisions? 22 REP. LEWIS: Well, sir, to be clear, as I 23 pointed out when we adopted the compactness 24 criteria, it's not our intent to split -- we're 25 going to do the best we can to keep as many</p>
<p style="text-align: right;">119</p> <p>1 Kara, Erika, if you could comment, 2 please? 3 SEN. RUCHO: Please identify yourself and 4 respond to Senator McKissick's request if you can. 5 MS. MCCRAW: I'm Kara McCraw, staff 6 attorney with the Legislative Analysis Division. 7 Senator McKissick is referring to the last part of 8 this amendment. The term -- the language "respect 9 political subdivisions and communities defined by 10 actual shared interests" is language that was used 11 by the Supreme Court in the Miller v. Johnson case 12 from 1995 as part of the list of traditional race- 13 neutral districting principles. 14 SEN. RUCHO: All right. Representative 15 Lewis? 16 REP. LEWIS: Thank you, Mr. Chairman, and 17 thank you, Senator, for offering this additional 18 criteria. As best I can understand it, to the 19 extent it's required by federal law, of course 20 we're going to be mindful of that, but as you and I 21 had an aside conversation earlier, I don't believe 22 we have defined in this state at least what a 23 community of interest is. I don't understand, 24 actually, what "actual shared interests" means, so 25 therefore, I would have to ask the committee, based</p>	<p style="text-align: right;">121</p> <p>1 counties and as many VTDs whole. I'll give you a 2 direct example of why I think this is vague. 3 We've already heard from the gentleman 4 from Wake, Senator Blue, as he I think correctly 5 stated that a county is the most important 6 political subdivision. I actually -- I actually 7 agree with that. Your city, Durham, has annexed 8 into Wake County, so when I say it's vague and 9 nebulous, how do you know which -- which interest 10 you're going to follow? I think we've done a good 11 job in this committee of saying we're going to keep 12 as many counties and as many VTDs whole as we can. 13 SEN. RUCHO: Okay, I've got 14 Representative Stam. 15 REP. STAM: Yes, I was about to make the 16 same point. Cary has annexed into Chatham, so 17 under this, it would give mapmakers an excuse to 18 break the Wake/Chatham line so they could keep Cary 19 together. Angier, if you can believe it, has 20 annexed into Wake County. I don't know how David 21 Lewis let them do that. With this amendment, 22 mapmakers could despoil Wake County just to get a 23 few more Republicans into the Harnett County 24 district. 25 REP. LEWIS: Mr. Chairman?</p>

<p style="text-align: right;">122</p> <p>1 SEN. RUCHO: Representative Lewis?</p> <p>2 REP. LEWIS: For the record, while I do</p> <p>3 not support Senator McKissick's amendment, I think</p> <p>4 anywhere Angier can be shared is a positive thing.</p> <p>5 (Laughter.)</p> <p>6 SEN. RUCHO: Senator McKissick?</p> <p>7 SEN. MCKISSICK: I would simply say that</p> <p>8 we ought to try to respect these political</p> <p>9 subdivisions. I don't think with the current mood</p> <p>10 of this General Assembly, we have to worry about</p> <p>11 too many more annexations occurring for a while,</p> <p>12 so, you know, respecting political subdivisions is</p> <p>13 a valid criteria regardless of what those political</p> <p>14 subdivisions might look like, so obviously I</p> <p>15 support it, but I can certainly put my finger in</p> <p>16 the air and see the way these winds are blowing.</p> <p>17 SEN. RUCHO: Members of the committee,</p> <p>18 any additional questions? Senator?</p> <p>19 SEN. SMITH-INGRAM: Yes. Representative</p> <p>20 Lewis, I'm a little bit confused about your</p> <p>21 objection to the use of this language inasmuch as</p> <p>22 it relates to not having a definitive definition.</p> <p>23 Is it possible for staff to be able to comment on</p> <p>24 what is the definition used in North Carolina of</p> <p>25 "communities of interest" as we have applied it in</p>	<p style="text-align: right;">124</p> <p>1 the citizens of Wake County? I don't think we've</p> <p>2 ever defined it. I certainly think that to the</p> <p>3 extent that it's not restricted from being used as</p> <p>4 the maps are prepared that, you know, I think</p> <p>5 that's something that the map drawers may wish to</p> <p>6 try and use, but I don't know that it -- I don't</p> <p>7 understand -- I don't understand it enough, and I</p> <p>8 do want to take this opportunity to respectfully</p> <p>9 let my friend from Durham know that, as I reminded</p> <p>10 him, I'm not an attorney, and in no way have I</p> <p>11 tried to disrespect or disregard any ruling from</p> <p>12 the US Supreme Court, nor from this federal trial</p> <p>13 court, but I'm not prepared to stand before this</p> <p>14 committee today and say that I understand what this</p> <p>15 is trying to do; therefore, I continue to oppose</p> <p>16 this new criteria.</p> <p>17 SEN. RUCHO: Members of the committee?</p> <p>18 (No response.)</p> <p>19 SEN. RUCHO: From the Chair,</p> <p>20 Representative Lewis, I recognize, and I think the</p> <p>21 committee recognizes the full effort to keep</p> <p>22 counties whole. I think the counties are</p> <p>23 relatively stable in their -- in their borders, but</p> <p>24 yet a municipality and a town and the like, with</p> <p>25 annexation, deannexation and the like, is more</p>
<p style="text-align: right;">123</p> <p>1 the past?</p> <p>2 SEN. RUCHO: The chair will allow that.</p> <p>3 Which staff member would like to define</p> <p>4 "communities of interest"?</p> <p>5 MS. MCCRAW: I'm Kara McCraw, staff</p> <p>6 attorney with the Legislative Analysis Division.</p> <p>7 North Carolina has not adopted a definition of</p> <p>8 "communities of interest."</p> <p>9 SEN. RUCHO: Follow-up?</p> <p>10 SEN. SMITH-INGRAM: Follow-up. As I</p> <p>11 recall, Representative Stevens just read from -- I</p> <p>12 believe she was citing case law, but it just seems</p> <p>13 that all the other elements that you have already</p> <p>14 in the criteria are there, with the exception of</p> <p>15 communities of interest, and so I'm just concerned</p> <p>16 about why you have adopted the other three, and why</p> <p>17 you feel comfortable with that, but not with the</p> <p>18 communities of interest.</p> <p>19 SEN. RUCHO: Representative Lewis?</p> <p>20 REP. LEWIS: Well, again, thank you for</p> <p>21 that inquiry, Senator. I would just say again that</p> <p>22 as we've never defined what a community of interest</p> <p>23 is -- and the example I tried to use with Senator</p> <p>24 McKissick, how do you define -- is the City of</p> <p>25 Durham a more important community of interest than</p>	<p style="text-align: right;">125</p> <p>1 variable. Do you think that that may be one of the</p> <p>2 reasons for what could be adding confusion?</p> <p>3 REP. LEWIS: I think that's fair. I</p> <p>4 think that's a good indication of why I say this is</p> <p>5 vague, and not really defined. We got a request</p> <p>6 from a member for the central staff to explain how</p> <p>7 communities of interest are defined in the state,</p> <p>8 and they're not, so since there's not a definition,</p> <p>9 they shouldn't be in the criteria.</p> <p>10 SEN. RUCHO: Members of the committee,</p> <p>11 we've had discussion on this issue. We have an</p> <p>12 amendment before us, submitted by Senator Floyd</p> <p>13 McKissick dealing with communities of interest.</p> <p>14 Any additional questions, comments?</p> <p>15 (No response.)</p> <p>16 SEN. RUCHO: Seeing none, Mr. Clerk, a</p> <p>17 roll call, please?</p> <p>18 CLERK: Lewis?</p> <p>19 REP. LEWIS: No.</p> <p>20 CLERK: Lewis, no. Jones?</p> <p>21 REP. JONES: No.</p> <p>22 CLERK: Jones, no. Brawley?</p> <p>23 REP. BRAWLEY: No.</p> <p>24 CLERK: Brawley, no. Cotham?</p> <p>25 REP. COTHAM: Yes.</p>

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<p>1 CLERK: Cotham, yes. Davis? 2 REP. DAVIS: No. 3 CLERK: Davis, no. Farmer-Butterfield? 4 REP. FARMER-BUTTERFIELD: Yes. 5 CLERK: Farmer-Butterfield, yes. Hager? 6 REP. HAGER: No. 7 CLERK: Hager, no. Hanes? 8 REP. HANES: Yes. 9 CLERK: Hanes, yes. Hardister? 10 REP. HARDISTER: No. 11 CLERK: Hardister, no. Hurley? 12 REP. HURLEY: No. 13 CLERK: Hurley, no. Jackson? 14 REP. JACKSON: Yes. 15 CLERK: Jackson, yes. Johnson? 16 REP. JOHNSON: No. 17 CLERK: Johnson, no. Jordan? 18 REP. JORDAN: No. 19 CLERK: Jordan, no. McGrady? 20 REP. MCGRADY: No. 21 CLERK: McGrady, no. Michaux? 22 REP. MICHAUX: Aye. 23 CLERK: Michaux, aye. Moore? 24 REP. MOORE: Aye. 25 CLERK: Moore, aye. Stam?</p>	<p>1 CLERK: McKissick, aye. Randleman? 2 SEN. RANDLEMAN: No. 3 CLERK: Randleman, no. Sanderson? 4 SEN. SANDERSON: No. 5 CLERK: Sanderson, no. Smith? 6 SEN. SMITH: Aye. 7 CLERK: Smith, aye. Smith-Ingram? 8 SEN. SMITH-INGRAM: Aye. 9 CLERK: Smith-Ingram, aye. Wells? 10 SEN. WELLS: No. 11 CLERK: Wells, no. 12 SEN. RUCHO: Members of the committee, 13 the result of the vote on Senator McKissick's 14 amendment dealing with communities of interest, 15 aye, 11; no, 22. The motion is not adopted. 16 Members of the committee, any additional 17 amendments? Any motions? 18 REP. LEWIS: Mr. Chairman -- 19 SEN. RUCHO: Senator Hise? Oh, excuse 20 me. 21 REP. LEWIS: Mr. Chairman? 22 SEN. RUCHO: Yes, sir? 23 REP. LEWIS: I just wanted to thank the 24 members for their indulgence this morning, and I'm 25 proud of the 2016 contingent Congressional plan</p>
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<p>1 REP. STAM: No. 2 CLERK: Stam, no. Stevens? Stevens? 3 (No response.) 4 CLERK: Rucho? 5 SEN. RUCHO: No. 6 CLERK: Rucho, no. Apodaca? 7 SEN. APODACA: No. 8 CLERK: Apodaca, no. Barefoot? 9 SEN. BAREFOOT: No. 10 CLERK: Barefoot, no. Blue? 11 SEN. BLUE: Aye. 12 CLERK: Blue, aye. Brown? 13 SEN. BROWN: No. 14 CLERK: Brown, no. Clark? 15 SEN. CLARK: Aye. 16 CLERK: Clark, aye. Harrington? 17 SEN. HARRINGTON: No. 18 CLERK: Harrington, no. Hise? 19 SEN. HISE: No. 20 CLERK: Hise, no. Jackson? 21 SEN. JACKSON: No. 22 CLERK: Jackson, no. Lee? 23 SEN. LEE: No. 24 CLERK: Lee, no. McKissick? 25 SEN. MCKISSICK: Aye.</p>	<p>1 proposed criteria that we have adopted. I did want 2 to say for the record that it's my intent that 3 these be used in the drawing of the 2016 contingent 4 Congressional plan in response to the lawsuit only. 5 This is not an attempt to establish any other long- 6 running criteria. 7 SEN. RUCHO: Okay. Senator Hise, you 8 have a motion? 9 SEN. HISE: Mr. Chairman, I have a 10 motion, a written motion. 11 SEN. RUCHO: Okay. Has that been sent 12 out to each member? 13 SEN. HISE: Sergeant-at-Arms -- 14 SEN. RUCHO: Are the Sergeant-At Arms 15 distributing it? Let's take about a two- or three- 16 minute break so everybody can read this motion. 17 (Pause.) 18 Has everyone had an opportunity to review 19 Senator Hise's motion? Representative Jackson? 20 REP. JACKSON: Thank you, Mr. Chairman. 21 One question would be the way this is worded -- 22 SEN. RUCHO: Well, let me do this: if 23 it's dealing with what's in there, I'm going to 24 give Senator Hise a chance to explain it. I was 25 giving everybody a chance to review it.</p>

<p style="text-align: right;">130</p> <p>1 All right, everybody has it. Senator</p> <p>2 Hise, would you like to explain that motion, and</p> <p>3 then we'll open it up for discussion?</p> <p>4 SEN. HISE: Thank you, Mr. Chairman.</p> <p>5 Basically what this does is it consolidates the</p> <p>6 criteria we've already adopted and voted on into</p> <p>7 one piece, and then directs the co-chairs to go</p> <p>8 through the process of developing the maps on the</p> <p>9 basis of those criteria, and provides the sum of</p> <p>10 \$25,000 under the way we need to appropriate it,</p> <p>11 with approval of the speaker, and those type of</p> <p>12 things in the interim that are coming in, and then</p> <p>13 allows the minority party to have access to the</p> <p>14 same funds, and to draw maps under those criteria</p> <p>15 or any other criteria that they would establish.</p> <p>16 It also rescinds that provided that the Supreme</p> <p>17 Court issues a stay.</p> <p>18 SEN. RUCHO: Representative Lewis,</p> <p>19 comment?</p> <p>20 REP. LEWIS: Thank you, Mr. Chairman and</p> <p>21 members. Just to be clear where I hope we're going</p> <p>22 with this, as you know, we are still optimistic</p> <p>23 that we'll receive a stay from the Supreme Court.</p> <p>24 If we do not receive a stay, it would be the</p> <p>25 chairs' intent to bring a map before this committee</p>	<p style="text-align: right;">132</p> <p>1 REP. JACKSON: My question, I guess, was</p> <p>2 directed to you as chairman, or either Senator</p> <p>3 Hise. I was just wondering if we could change the</p> <p>4 first sentence of Paragraph 3. The way you've got</p> <p>5 it written is that the co-chairs, Lewis and Rucho,</p> <p>6 can pick their mapmakers, but our entire caucus</p> <p>7 would have to do it, the members of this committee,</p> <p>8 which means we'd have to stay together and vote and</p> <p>9 do things like that, and I would just ask that you</p> <p>10 consider substituting that, and as Minority Leader</p> <p>11 of the Senate, let Senator Blue make that choice</p> <p>12 for us, and our entire caucus not be involved and</p> <p>13 have to make that decision.</p> <p>14 SEN. RUCHO: Senator Hise, do you have a</p> <p>15 thought or a comment, or would you like to ponder</p> <p>16 that one a little bit?</p> <p>17 SEN. HISE: I don't see what's written as</p> <p>18 requiring that type of vote or operation from the</p> <p>19 minority caucus. This coming in would allow them</p> <p>20 to decide if they want to allow their leader to</p> <p>21 make that decision all on his own. I think that's</p> <p>22 within the way it's written here, so I don't</p> <p>23 necessarily see that issue in the way it's written,</p> <p>24 but however the minority -- the members of the</p> <p>25 minority part of this committee choose to select</p>
<p style="text-align: right;">131</p> <p>1 for recommendation for introduction to a special</p> <p>2 session that would be held later this week.</p> <p>3 The chairs would encourage in the</p> <p>4 issue -- in the -- for the goal of increased</p> <p>5 transparency that should other people have maps</p> <p>6 that they'd like this committee to consider, that</p> <p>7 they get them prepared and submitted as well, but</p> <p>8 to be clear, once the General Assembly convenes,</p> <p>9 there would also be an opportunity for maps to be</p> <p>10 presented to either the House or the Senate</p> <p>11 redistricting committees when they meet.</p> <p>12 However, the House rules, and I believe</p> <p>13 the Senate rules -- I won't speak for the Senate</p> <p>14 rules, but I know the House rules will require that</p> <p>15 any amendments that are offered to the plans that</p> <p>16 are submitted in fact be complete plans. In other</p> <p>17 words, you would have to have all 13 districts</p> <p>18 drawn to -- you would -- instead of trying to amend</p> <p>19 whatever plan that this committee will release, you</p> <p>20 would have to in essence prepare and release a plan</p> <p>21 to compete with this plan.</p> <p>22 SEN. RUCHO: All right. Members of the</p> <p>23 committee? Senator Blue? Oh, excuse me. Let me</p> <p>24 do this: Representative Jackson asked a question</p> <p>25 earlier. Go ahead, please.</p>	<p style="text-align: right;">133</p> <p>1 who the mapmaker is their concern.</p> <p>2 SEN. RUCHO: Okay. Senator Blue?</p> <p>3 SEN. BLUE: Two questions, basically,</p> <p>4 practical questions. I assume that the co-chairs</p> <p>5 have consulted with somebody who's available to be</p> <p>6 the consultant to draw a map. We haven't, but I</p> <p>7 can assure you that anybody that you consult with</p> <p>8 normally isn't going to do it, at least not for us,</p> <p>9 on a contingent fee basis, and we don't know when</p> <p>10 there may be an order one way or the other on this</p> <p>11 stay if the plaintiffs have until midafternoon to</p> <p>12 submit their papers. I don't know what the Chief</p> <p>13 Justice is going to do or when he's going to do it,</p> <p>14 but practically speaking, first, we haven't</p> <p>15 consulted with anybody, but secondly, if you</p> <p>16 consult with somebody, you've got to promise them</p> <p>17 you're going to pay them, and this says that you</p> <p>18 won't pay them even if they work two or three days</p> <p>19 if a stay is granted.</p> <p>20 SEN. RUCHO: All right. Representative</p> <p>21 Lewis?</p> <p>22 REP. LEWIS: Mr. Chairman and Senator</p> <p>23 Blue, if we need to have the attorney review this,</p> <p>24 we certainly can, and correct any offending</p> <p>25 language. I just wanted to state for the record</p>

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<p>1 that it is the intent, after having consulted with</p> <p>2 the Speaker and the President Pro Tem, that any</p> <p>3 mapmaker engaged would be paid.</p> <p>4 I think -- well, I don't think. What the</p> <p>5 language is trying to say is that should a stay be</p> <p>6 issued, the maps would never be released, not that</p> <p>7 the person would not be paid for their time. We're</p> <p>8 not trying to get somebody to draw maps on a</p> <p>9 contingency fee. We're having maps drawn</p> <p>10 contingent upon us not getting a stay.</p> <p>11 I would be glad, if you are concerned</p> <p>12 about the way the language is written, to take a</p> <p>13 moment and have that defined, but I did want to</p> <p>14 state for the record that the intent would be any</p> <p>15 map drawer that you would engage or the minority</p> <p>16 party would engage would be paid for their time.</p> <p>17 SEN. RUCHO: Senator Blue?</p> <p>18 SEN. BLUE: Andrew has some language</p> <p>19 that'll fix it.</p> <p>20 SEN. RUCHO: All right. Senator Hise?</p> <p>21 SEN. HISE: I think they may be -- I just</p> <p>22 wanted to say I think they may be working on some</p> <p>23 clarification, but the intent as drafted is that</p> <p>24 work done while it's authorized to be done would be</p> <p>25 paid for, but once the stay came out or a ruling</p>	<p>1 MS. CHURCHILL: If there is a member of</p> <p>2 the General Assembly that would like a map drawn,</p> <p>3 we will do so at their direction; however, we will</p> <p>4 need instruction from that member how to assign all</p> <p>5 the geography of the state.</p> <p>6 SEN. RUCHO: Does that answer your</p> <p>7 question?</p> <p>8 SEN. BLUE: You need instructions as to</p> <p>9 how to sign -- assign what?</p> <p>10 SEN. RUCHO: No, how to assign.</p> <p>11 MS. CHURCHILL: How to assign the</p> <p>12 geography of the state.</p> <p>13 SEN. RUCHO: How you want the -- they can</p> <p>14 draw the map. Just give them the direction on how</p> <p>15 you want the -- the districts to be drawn.</p> <p>16 SEN. BLUE: Okay.</p> <p>17 SEN. RUCHO: Follow-up?</p> <p>18 SEN. BLUE: Yeah, one follow-up. I'm</p> <p>19 trying to keep up with the many iterations of the</p> <p>20 case -- cases involving redistricting, and I think</p> <p>21 that in that sense, even those instructions now are</p> <p>22 considered confidential; is that correct?</p> <p>23 MS. CHURCHILL: At this point in time,</p> <p>24 any member of the General Assembly that makes a</p> <p>25 drafting or information request to any legislative</p>
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<p>1 came out that we would stop work at that point, and</p> <p>2 wouldn't be paid for work done after that point</p> <p>3 that was coming in, but while the authorization</p> <p>4 exists, we would pay for those funds, thinking we'd</p> <p>5 get the check cut within 24 hours.</p> <p>6 SEN. RUCHO: We'll stand at ease a moment</p> <p>7 while we're studying some language, if we may.</p> <p>8 While that's being looked at, Senator Blue, did you</p> <p>9 have a second point that you were making?</p> <p>10 SEN. BLUE: I did, as a matter of fact.</p> <p>11 Do you have some experts hanging around who can do</p> <p>12 this mapmaking that we might could talk to? We</p> <p>13 haven't engaged anybody.</p> <p>14 SEN. RUCHO: I think we're probably going</p> <p>15 to use the one that you're presently using now.</p> <p>16 SEN. BLUE: Which one is that one?</p> <p>17 SEN. RUCHO: Whichever one that is.</p> <p>18 SEN. BLUE: Is there capability within</p> <p>19 the staff to do it, Mr. Chair?</p> <p>20 SEN. RUCHO: I'm sorry. Say that again?</p> <p>21 SEN. BLUE: Is there capability within</p> <p>22 the staff to do mapmaking?</p> <p>23 SEN. RUCHO: Ms. Churchill? Okay. Is</p> <p>24 there capability within the staff of being able to</p> <p>25 draw maps as requested by the minority party?</p>	<p>1 employee, that drafting and information request is</p> <p>2 treated as confidential, subjective to legislative</p> <p>3 confidentiality by that legislative employee. Upon</p> <p>4 enactment of any Congressional plan, the plans</p> <p>5 themselves and the drafting and information</p> <p>6 requests related to that plan do become a public</p> <p>7 record.</p> <p>8 SEN. RUCHO: Okay. Still working, so</p> <p>9 just -- oh, excuse me. Senator McKissick? We're</p> <p>10 working on the language, so --</p> <p>11 SEN. MCKISSICK: Sure. I understand.</p> <p>12 This is a question to Erika to get further</p> <p>13 clarification. In terms of the stat packs of data</p> <p>14 that would be available, would we have the same</p> <p>15 type of data that was available in 2011 as a basis</p> <p>16 for drawing -- drawing plans? I mean, I know</p> <p>17 there was some discussion today about not</p> <p>18 considering race as a factor and, you know, things</p> <p>19 of that sort, but would we still have available</p> <p>20 data packs that are -- provide the statistics and</p> <p>21 data that we would have used in 2011 were we</p> <p>22 drawing those districts, and if so, is any of that</p> <p>23 data updated at this time as well?</p> <p>24 MS. CHURCHILL: Mr. Chair, as I</p> <p>25 understand it -- and Mr. Frye will need to correct</p>

<p style="text-align: right;">138</p> <p>1 me, because he maintains our databases, but there</p> <p>2 have been no changes to the 2011 database. It</p> <p>3 still has the 2010 Census data in it. It still has</p> <p>4 the voter registration data in it. It still has</p> <p>5 the election data in it. We still have the</p> <p>6 capability of running exactly the same reports off</p> <p>7 of that database.</p> <p>8 SEN. MCKISSICK: Last follow-up.</p> <p>9 SEN. RUCHO: Follow-up.</p> <p>10 SEN. MCKISSICK: Yeah. Erika, I mean --</p> <p>11 and I know this is not a fair question, perhaps,</p> <p>12 but to what extent can we get reasonably quick</p> <p>13 turnaround, considering the time frame that we're</p> <p>14 in? I think our challenge is obviously we relied</p> <p>15 upon consultants and experts before, Mr. David</p> <p>16 Harris and Mr. Bill Gilkeson, but they are both</p> <p>17 attorneys engaged in private practice, handling</p> <p>18 clients, and to think that we can displace them</p> <p>19 this quickly to get them reengaged on less than 24</p> <p>20 hours notice is not a -- perhaps a reasonable</p> <p>21 expectation.</p> <p>22 I'm trying to see if we want to get these</p> <p>23 maps drawn, I think Senator Blue is on the right</p> <p>24 track. We're going to need to rely upon in-house</p> <p>25 resources, perhaps supplemented by consultants, but</p>	<p style="text-align: right;">140</p> <p>1 SEN. RUCHO: I think what you're -- what</p> <p>2 you reflect is what our concern is, that we have a</p> <p>3 short -- short window, and we're all faced with</p> <p>4 that same tight timeline, so -- but I'm sure staff,</p> <p>5 as Ms. Churchill said, will do its best to help you</p> <p>6 achieve your goal. Representative -- or Chairman</p> <p>7 Lewis?</p> <p>8 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>9 Senator McKissick, just to be clear, sir, the</p> <p>10 criteria that will be available to the mapmaker</p> <p>11 that Senator Rucho and I employ will only be the</p> <p>12 criteria that this -- that this committee has</p> <p>13 adopted. The stat packs, as you well recall,</p> <p>14 contain additional information. That information</p> <p>15 obviously will be available at the end of the map</p> <p>16 drawing process. Just to be clear, the map drawer</p> <p>17 that Senator Rucho and I will contract with will</p> <p>18 have only access to the criteria that this</p> <p>19 committee has adopted.</p> <p>20 SEN. MCKISSICK: Follow-up.</p> <p>21 SEN. RUCHO: Yes, sir. Follow-up.</p> <p>22 SEN. MCKISSICK: Some of the critical</p> <p>23 language in here under Bullet 3, if we go down</p> <p>24 about five lines, it talks about using the adopted</p> <p>25 criteria or any other criteria selected by the</p>
<p style="text-align: right;">139</p> <p>1 are we going to be able to get quick turnaround?</p> <p>2 MS. CHURCHILL: Mr. Chair, if I might, we</p> <p>3 will do our best. We do have a limited number of</p> <p>4 people who have the capa- -- the knowledge to</p> <p>5 actually use the mapping software, but amongst</p> <p>6 ourselves, once we know what the requests are, we</p> <p>7 will try to efficiently meet all of the needs.</p> <p>8 SEN. MCKISSICK: Thank you.</p> <p>9 SEN. RUCHO: All right. Senator</p> <p>10 McKissick, any specifics? I mean, you were talking</p> <p>11 about the stat packs and all that. Do you have any</p> <p>12 specific criteria that you want included in the</p> <p>13 stat pack?</p> <p>14 SEN. MCKISSICK: I mean, as long as we</p> <p>15 have the same type of stat pack that we had</p> <p>16 previously, the demographic data and the political</p> <p>17 data that's available, I think we'll probably be</p> <p>18 okay. I cannot think of any additional data that</p> <p>19 we would need. As long as that's readily</p> <p>20 accessible and we can get pretty quick</p> <p>21 turnaround -- I am deeply concerned that since we</p> <p>22 did not learn about the availability of the funds</p> <p>23 for consultants before today that trying to engage</p> <p>24 people who are deeply familiar with be challenging</p> <p>25 at this late point in time.</p>	<p style="text-align: right;">141</p> <p>1 minority caucus, so if we want to use other</p> <p>2 criteria that might be consistent with the ruling</p> <p>3 in Harris versus McCrory -- and we would contend</p> <p>4 that race can be used; it just cannot be the</p> <p>5 predominant factor. I just want to know that that</p> <p>6 data will be available if we need to use and rely</p> <p>7 upon it in drafting constitutionally correct</p> <p>8 districts, because that was not included in your</p> <p>9 criteria, but this language in this particular</p> <p>10 motion does give us as the minority caucus the</p> <p>11 right to use other criteria.</p> <p>12 SEN. RUCHO: Hold on. I'll try to get</p> <p>13 you an answer. (Pause.) Our understanding -- the</p> <p>14 Chairs' understanding is that, you know, in drawing</p> <p>15 maps, you can request any data you feel that needs</p> <p>16 to be there to help you achieve what you believe is</p> <p>17 a -- a map trying to resolve the issue dealing with</p> <p>18 the court decision.</p> <p>19 SEN. MCKISSICK: Thank you.</p> <p>20 SEN. RUCHO: Okay. Senator Blue?</p> <p>21 SEN. BLUE: Yes. So that I can follow</p> <p>22 that point up, it's my understanding, and correct</p> <p>23 me, that the -- that the database will have</p> <p>24 information about the 2012, 2014 elections in</p> <p>25 addition to the data that was available at the time</p>

<p style="text-align: right;">142</p> <p>1 the original maps were drawn. That is, they will 2 be current in the information that they have. Is 3 that right? 4 SEN. RUCHO: Let's ask Mr. Frye if he'll 5 be kind enough to explain what is in the database, 6 and of course, it's based on the 2010 Census, but 7 election results you're asking about. 8 MR. FRYE: Yes. So -- so what I've got 9 worked up for this round is there's -- you know, of 10 course, you know, like we were talking about, all 11 of the old data is totally in place if it makes 12 sense to use that for whoever wants it, and for the 13 2016 database, I've got total population, voting 14 age population, because that's the only thing 15 that's not -- just election data, right, and that 16 is just election data. There's the 2008 general 17 election, basically all the Council of State 18 contests. There's the 2010 general election, US 19 Senate, the 2012 general election, you know, 20 basically governor and Council of State contests, 21 and -- and then the 2014 US Senate. 22 SEN. RUCHO: Does that help you? 23 SEN. BLUE: You said 2014 US Senate. 24 2014 Congressional data, elections data? 25 SEN. RUCHO: Mr. Frye?</p>	<p style="text-align: right;">144</p> <p>1 SEN. BLUE: I'm just trying to make sure 2 that whatever data is used by one is used and 3 available by all. 4 SEN. RUCHO: Well, my -- 5 SEN. BLUE: If we're basing it on the 6 legislative computers and the legislative database. 7 SEN. RUCHO: If I'm understanding it 8 correctly, any data that you need to have is going 9 to be available as long as you give some -- some 10 request for it. Am I correct? 11 MR. FRYE: Well, certainly -- 12 SEN. BLUE: Aspirational. 13 MR. FRYE: Yeah. I'm concerned about 14 timeline, you know, about preparing things, and 15 certain things are prepared and ready to go, and 16 yeah, those things can be -- 17 SEN. RUCHO: Ms. Churchill? 18 MS. CHURCHILL: (Inaudible.) 19 SEN. RUCHO: Talking about the data -- I 20 think that was Mr. Frye's question. Okay, that's 21 where we are. All right, still on -- did we get 22 the language? 23 REP. STAM: Yeah, on a big-picture issue 24 here, while they're working out the language, I was 25 minority leader during the Pender County</p>
<p style="text-align: right;">143</p> <p>1 MR. FRYE: Well, for the -- no, for the 2 2014 database, it has just the US Senate. 3 SEN. BLUE: I can't hear him. 4 SEN. RUCHO: Could you repeat that again? 5 We missed you with that. 6 MR. FRYE: For the 2014 general election, 7 I've just got US Senate. There are other -- 8 because there's sort -- there's a difference 9 between like what data is -- has been generally 10 processed and what data is sort of ready to go in 11 our redistricting database. There's kind of a fair 12 gap between those two things, so we do have some 13 other information relating to other contests from 14 2014, but -- 15 SEN. BLUE: So the database will not have 16 the location of current incumbents or anything like 17 that? 18 SEN. RUCHO: Mr. Frye? 19 MR. FRYE: What we have is locations of 20 current incumbents that -- a lot of them were 21 updated as of the 2011 cycle, so we may want to 22 double-check. There are a few of them I was 23 looking at that we may want to double-check on 24 their addresses and see if they've moved. 25 SEN. RUCHO: Senator Blue?</p>	<p style="text-align: right;">145</p> <p>1 redistricting. Speaker Hackney was the speaker. 2 If I had been offered a deal like this, I would go 3 give Representative Lewis and Senator Rucho a big 4 bear hug and "Thank you." 5 SEN. RUCHO: Don't hug us. 6 SEN. BLUE: Certainly no kiss associated 7 with it. 8 (Laughter.) 9 SEN. RUCHO: Representative -- or Senator 10 Blue? 11 SEN. BLUE: Yeah. I have a question of 12 the Chair, but I guess you've got a motion pending, 13 so I'll wait -- 14 SEN. RUCHO: We've got a motion. 15 SEN. BLUE: -- until after the motion. 16 SEN. RUCHO: Yeah, we've got a motion 17 first. Senator Hise? 18 SEN. HISE: Question, probably directed 19 for staff. If -- and under this motion where it 20 currently is, if the minority caucus is going to 21 load additional information, including things like 22 race and others, onto the stat pack for the 23 operations, do we have a sufficient wall of 24 separation, say separate computers, separate 25 databases, separate operating, that the co-chairs</p>

<p style="text-align: right;">146</p> <p>1 do not have access to that information, or the</p> <p>2 other committees cannot have access to that</p> <p>3 information, because it's inconsistent with the</p> <p>4 criteria that's established, so can we make sure</p> <p>5 that once those are loaded, they are not available</p> <p>6 if they are not part of the criteria for the co-</p> <p>7 chairs' drawing?</p> <p>8 SEN. RUCHO: Mr. Frye?</p> <p>9 MR. FRYE: Yes. I believe for -- if the</p> <p>10 co-chairs are working on a plan, they can work on</p> <p>11 it and follow the criteria separately, and for any</p> <p>12 reports they produce, would just use that</p> <p>13 information.</p> <p>14 SEN. RUCHO: To follow up on what his</p> <p>15 question is, is there a clear wall that we have to</p> <p>16 actually request that information before it's</p> <p>17 eligible -- eligible for us to use? Am I correct?</p> <p>18 I mean, you're talking a firewall?</p> <p>19 SEN. HISE: Yeah, making sure that no</p> <p>20 one -- once it's loaded in, anyone could draw --</p> <p>21 could pull it up. I want to make sure that you</p> <p>22 don't have access to that information.</p> <p>23 MR. FRYE: Right. No, there is a</p> <p>24 firewall.</p> <p>25 SEN. RUCHO: Okay.</p>	<p style="text-align: right;">148</p> <p>1 SEN. MICHAUX: Okay.</p> <p>2 SEN. RUCHO: Okay. Are we close with the</p> <p>3 language?</p> <p>4 REP. LEWIS: Mr. Chairman?</p> <p>5 SEN. RUCHO: Yes, sir, Representative?</p> <p>6 REP. LEWIS: Could we deal with another</p> <p>7 matter while this is being perfected?</p> <p>8 SEN. RUCHO: Yes, sir. Let's just</p> <p>9 displace this amendment if we can, Senator Hise,</p> <p>10 while we're working on the language, and</p> <p>11 Representative Lewis has another issue he'd like to</p> <p>12 bring before -- before us.</p> <p>13 REP. LEWIS: Mr. Chairman, what I'd like</p> <p>14 to do is offer a motion that the committee directs</p> <p>15 the ISD to establish a computer and to populate the</p> <p>16 database of that computer with only the information</p> <p>17 that is consistent with the criteria adopted by the</p> <p>18 committee today, and to ensure that the firewalls</p> <p>19 that Mr. Frye spoke of are in place during the</p> <p>20 entire time that the map for this committee is</p> <p>21 drawn.</p> <p>22 SEN. RUCHO: We have a motion before us.</p> <p>23 Do we have a second on that, David?</p> <p>24 SEN. APODACA: Second.</p> <p>25 SEN. RUCHO: Second, Senator Apodaca.</p>
<p style="text-align: right;">147</p> <p>1 MR. FRYE: It is not a central server</p> <p>2 that would be --</p> <p>3 SEN. RUCHO: Are you okay, Senator Hise?</p> <p>4 Ms. Churchill, you okay?</p> <p>5 REP. LEWIS: Mr. Chairman?</p> <p>6 SEN. RUCHO: Where am I?</p> <p>7 REP. LEWIS: Mr. Chairman?</p> <p>8 SEN. RUCHO: Oh, excuse me.</p> <p>9 REP. LEWIS: I think perhaps we can --</p> <p>10 can summarize this by saying that all people will</p> <p>11 have access to all of the data. This committee has</p> <p>12 directed the chairs not to use some of it, so the</p> <p>13 computer on which this committee's map is drawn</p> <p>14 will only contain the criteria that was adopted by</p> <p>15 the committee, so to kind of get the gist of what</p> <p>16 Senator Blue was trying to ask, he can have access</p> <p>17 to more stuff than we can, not less.</p> <p>18 SEN. RUCHO: Okay. Representative --</p> <p>19 REP. MICHAUX: Yeah, I just wanted to be</p> <p>20 clear on this. It says that you-all must do your</p> <p>21 maps according to the criteria that this body has</p> <p>22 passed. It also says that our group can use any --</p> <p>23 this criteria or any other criteria we deem</p> <p>24 necessary. Is that correct?</p> <p>25 SEN. RUCHO: That's correct.</p>	<p style="text-align: right;">149</p> <p>1 Second. Representative Michaux?</p> <p>2 REP. MICHAUX: I was trying to get the</p> <p>3 gist of what he -- what his motion is.</p> <p>4 REP. LEWIS: May I speak on my motion?</p> <p>5 SEN. RUCHO: Yes, sir.</p> <p>6 REP. LEWIS: Members, the motion would</p> <p>7 direct ISD to establish a computer with the</p> <p>8 Maptitude software that has only the criteria as</p> <p>9 defined and authorized by this committee to use,</p> <p>10 and it is on that computer that the chairs would</p> <p>11 work, along with any consultant they would hire, to</p> <p>12 produce a map to return back to this committee for</p> <p>13 review.</p> <p>14 What it's doing in essence is limiting</p> <p>15 the chairs to only the criteria that this committee</p> <p>16 has adopted, while making sure that it does not</p> <p>17 limit the minority party to have access to whatever</p> <p>18 they deem important to be able to fully participate</p> <p>19 in this process.</p> <p>20 SEN. RUCHO: Follow-up?</p> <p>21 SEN. MICHAUX: Follow-up. What about the</p> <p>22 firewall separating the two on that?</p> <p>23 REP. LEWIS: Thank you for that -- that</p> <p>24 question, Representative Michaux. I was trying to</p> <p>25 use the same language that Mr. Frye. What I'm --</p>

<p style="text-align: right;">150</p> <p>1 to be absolutely clear, the only data the map</p> <p>2 drawers on behalf of this committee can have is the</p> <p>3 data that the criteria adopted by this committee</p> <p>4 allows. There -- the firewall means that you won't</p> <p>5 be able -- the map drawer won't have access to flip</p> <p>6 a switch and say, "Well, I really do want to see</p> <p>7 what the 2008 presidential race was." That will</p> <p>8 not be loaded on the computer that he has access</p> <p>9 to.</p> <p>10 SEN. RUCHO: Okay. Senator McKissick?</p> <p>11 SEN. MCKISSICK: Representative Lewis,</p> <p>12 just to get some clarification here, if we as the</p> <p>13 minority caucus want to look at the 2008 race, or</p> <p>14 we want to look at other variables other than those</p> <p>15 that were approved today, in the past, we had our</p> <p>16 own computer available that also had Maptitude, or</p> <p>17 whatever the appropriate program was at that time,</p> <p>18 which we could utilize for crafting maps that</p> <p>19 were -- met our criteria, so I'm just wanting to</p> <p>20 determine if we will have a separate computer</p> <p>21 available to us that we can use that will give us</p> <p>22 the additional data that we might seek to use in</p> <p>23 preparing maps.</p> <p>24 REP. LEWIS: Senator --</p> <p>25 SEN. RUCHO: Representative Lewis?</p>	<p style="text-align: right;">152</p> <p>1 SEN. RUCHO: We'll get a copy of that.</p> <p>2 All right. We have a motion before us from</p> <p>3 Representative Lewis. It's been explained; it's</p> <p>4 been debated. Any additional thoughts or questions</p> <p>5 on that before we move to adopt his motion?</p> <p>6 (No response.)</p> <p>7 SEN. RUCHO: Seeing none, Mr. Clerk, if</p> <p>8 you'd be kind enough to call roll?</p> <p>9 CLERK: Lewis?</p> <p>10 REP. LEWIS: Aye.</p> <p>11 CLERK: Lewis, aye. Jones?</p> <p>12 REP. JONES: Aye.</p> <p>13 CLERK: Jones, aye. Brawley?</p> <p>14 REP. BRAWLEY: Aye.</p> <p>15 CLERK: Brawley, aye. Cotham?</p> <p>16 REP. COTHAM: No.</p> <p>17 CLERK: Cotham, no. Davis?</p> <p>18 REP. DAVIS: Aye.</p> <p>19 CLERK: Davis, aye. Farmer-Butterfield?</p> <p>20 (No response.)</p> <p>21 CLERK: Hager?</p> <p>22 REP. HAGER: Aye.</p> <p>23 CLERK: Hager, aye. Hanes?</p> <p>24 REP. HANES: No.</p> <p>25 CLERK: No? Hanes, no. Hardister?</p>
<p style="text-align: right;">151</p> <p>1 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>2 Senator McKissick and Mr. Chairman, if my motion is</p> <p>3 adopted, I will offer the identical motion for the</p> <p>4 minority party, except that they are able to</p> <p>5 populate the data with whatever they want to</p> <p>6 populate it with.</p> <p>7 SEN. MCKISSICK: With that being said, I</p> <p>8 could support this, but I want to make sure that</p> <p>9 the minority party does have their own computer</p> <p>10 populated with their own data, separate and apart</p> <p>11 from the fields or subcategories which have been</p> <p>12 identified as appropriate criteria today.</p> <p>13 REP. LEWIS: Yes, sir, we're on the exact</p> <p>14 same page on that point.</p> <p>15 SEN. MCKISSICK: Thank you.</p> <p>16 SEN. RUCHO: Okay. You -- any additional</p> <p>17 questions on --</p> <p>18 REP. MICHAUX: Yeah. Can we get that in</p> <p>19 writing?</p> <p>20 (Laughter.)</p> <p>21 REP. LEWIS: Mr. Chairman?</p> <p>22 SEN. RUCHO: Yes, sir?</p> <p>23 REP. LEWIS: We do have a court reporter,</p> <p>24 so perhaps we could forward that to Representative</p> <p>25 Michaux, and he could read it.</p>	<p style="text-align: right;">153</p> <p>1 REP. HARDISTER: Aye.</p> <p>2 CLERK: Hardister, aye. Hurley?</p> <p>3 REP. HURLEY: Aye.</p> <p>4 CLERK: Hurley, aye. Jackson?</p> <p>5 REP. JACKSON: No.</p> <p>6 CLERK: Jackson, no. Johnson?</p> <p>7 REP. JOHNSON: Aye.</p> <p>8 CLERK: Johnson, aye. Jordan?</p> <p>9 REP. JORDAN: Aye.</p> <p>10 CLERK: Jordan, aye. McGrady?</p> <p>11 REP. MCGRADY: Aye.</p> <p>12 CLERK: McGrady, aye. Michaux?</p> <p>13 REP. MICHAUX: No.</p> <p>14 CLERK: Michaux, no. Moore?</p> <p>15 REP. MOORE: Nay.</p> <p>16 CLERK: Moore, nay. Stam?</p> <p>17 REP. STAM: Aye.</p> <p>18 CLERK: Stam, aye. Stevens?</p> <p>19 (No response.)</p> <p>20 CLERK: Rucho?</p> <p>21 SEN. RUCHO: Aye.</p> <p>22 CLERK: Rucho, aye. Apodaca?</p> <p>23 SEN. APODACA: Aye.</p> <p>24 CLERK: Apodaca, aye. Barefoot?</p> <p>25 SEN. BAREFOOT: Aye.</p>

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<p>1 CLERK: Barefoot, aye. Blue? 2 SEN. BLUE: No. 3 CLERK: Blue, no. Brown? 4 SEN. BROWN: Aye. 5 CLERK: Brown, aye. Clark? 6 SEN. CLARK: No. 7 CLERK: Clark, no. Harrington? 8 SEN. HARRINGTON: Aye. 9 CLERK: Harrington, aye. Hise? 10 SEN. HISE: Aye. 11 CLERK: Hise, aye. Jackson? 12 SEN. JACKSON: Aye. 13 CLERK: Jackson, aye. Lee? 14 SEN. LEE: Aye. 15 CLERK: Lee, aye. McKissick? 16 SEN. MCKISSICK: No. 17 CLERK: McKissick, no. Randleman? 18 SEN. RANDLEMAN: Aye. 19 CLERK: Randleman, aye. Sanderson? 20 SEN. SANDERSON: Aye. 21 CLERK: Sanderson, aye. Smith? 22 SEN. SMITH: No. 23 CLERK: Smith, no. Smith-Ingram? 24 SEN. SMITH-INGRAM: Nay. 25 CLERK: Smith-Ingram, nay. Wells?</p>	<p>1 Representative Lewis, seconded by Senator 2 McKissick, was that -- for the minority party to 3 have access to the computer and have all the 4 information they deem necessary for them to 5 participate in trying to see what was requested as 6 a remedy for the three-judge panel's decision. Any 7 questions or comments? 8 REP. MICHAUX: Yeah. I want to know what 9 the last part of that motion was that he made. It 10 was sort of sub rosa. 11 SEN. RUCHO: Is that a question to 12 Representative Lewis? 13 REP. MICHAUX: Representative Lewis. 14 REP. LEWIS: Representative Michaux, what 15 I said was that the minority members -- the members 16 of the minority party on this committee may caucus 17 and elect a member or members to direct the drawing 18 of these maps on their behalf, and if they're 19 unable to do so, that the responsibility would be 20 vested in Senator Blue. 21 SEN. RUCHO: Do you have a follow-up 22 question? 23 REP. MICHAUX: We -- what I -- you are 24 vesting -- you're telling us what to do? Is that 25 what I'm hearing?</p>
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<p>1 SEN. WELLS: Aye. 2 CLERK: Wells, aye. 3 SEN. RUCHO: All right, members of the 4 committee, a motion by Representative Lewis 5 requiring and asking that the computer that will be 6 used by the majority party will only contain the 7 criteria that's been established and voted upon 8 today, and that vote was aye, 21, no, 11, so that 9 passed. 10 REP. LEWIS: Mr. Chairman? 11 SEN. RUCHO: Representative Lewis? 12 REP. LEWIS: For motion. 13 SEN. RUCHO: Motion. 14 REP. LEWIS: Mr. Chairman, I move that 15 the minority party be given access to a computer 16 and whatever information they deem necessary to 17 populate that computer in order to fully 18 participate in this pro- -- in this process. 19 Further, I move that the minority party members of 20 this committee may caucus and designate that 21 responsibility to one or more members, and if they 22 are not able to do that, that the responsibility 23 would fall to Senator Blue. 24 SEN. MCKISSICK: I'll second that. 25 SEN. RUCHO: All right. The motion by</p>	<p>1 REP. LEWIS: To repeat for the third 2 time, Representative Michaux, the minority party 3 members of this committee would caucus and 4 designate members or members to act on their 5 behalf, and if they are unable to do so, that that 6 responsibility would fall to Senator Blue. 7 REP. MICHAUX: Mr. Chairman? 8 SEN. RUCHO: Yes, sir? 9 REP. MICHAUX: Why don't you -- 10 SEN. RUCHO: Follow-up? 11 REP. MICHAUX: Yes. Why don't you let us 12 make that decision as to who it should fall -- fall 13 to? 14 REP. LEWIS: Mr. Chairman? 15 SEN. RUCHO: Yes, sir? 16 REP. LEWIS: Could we have maybe staff 17 clarify what it means that the minority party can 18 caucus and designate members or members, if that's 19 not allowing them to make a decision? Could 20 somebody explain exactly what language I'm not 21 communicating? 22 SEN. RUCHO: Okay. Senator Apodaca, you 23 had a comment? 24 SEN. APODACA: Mr. Chairman, inquiry of 25 the Chair.</p>

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<p>1 SEN. RUCHO: Yes, sir?</p> <p>2 SEN. APODACA: I'm somewhat confused. I</p> <p>3 thought Representative Jackson asked this question</p> <p>4 about how they could nominate somebody. I thought</p> <p>5 this is what we were trying to fix.</p> <p>6 SEN. RUCHO: All right. Then you're the</p> <p>7 one that's going to explain to -- to Senator --</p> <p>8 Representative Michaux. Okay? All right. A</p> <p>9 motion is before us. It's been seconded. Any</p> <p>10 additional questions or comments on Representative</p> <p>11 Lewis' motion?</p> <p>12 (No response.)</p> <p>13 SEN. RUCHO: Seeing none --</p> <p>14 CLERK: Lewis?</p> <p>15 SEN. RUCHO: -- Mr. Clerk, roll call,</p> <p>16 please?</p> <p>17 CLERK: Lewis?</p> <p>18 REP. LEWIS: Aye.</p> <p>19 CLERK: Lewis, aye. Jones?</p> <p>20 REP. JONES: Aye.</p> <p>21 CLERK: Jones, aye. Brawley?</p> <p>22 REP. BRAWLEY: Aye.</p> <p>23 CLERK: Brawley, aye. Cotham?</p> <p>24 REP. COTHAM: Aye.</p> <p>25 CLERK: Cotham, aye. Davis?</p>	<p>1 CLERK: Moore, aye. Stam?</p> <p>2 REP. STAM: Aye.</p> <p>3 CLERK: Stam, aye. Stevens?</p> <p>4 (No response.)</p> <p>5 CLERK: Rucho?</p> <p>6 SEN. RUCHO: Aye.</p> <p>7 CLERK: Rucho, aye. Apodaca?</p> <p>8 SEN. APODACA: Aye.</p> <p>9 CLERK: Apodaca, aye. Barefoot?</p> <p>10 SEN. BAREFOOT: Aye.</p> <p>11 CLERK: Barefoot, aye. Blue?</p> <p>12 SEN. BLUE: Aye.</p> <p>13 CLERK: Blue, aye. Brown?</p> <p>14 SEN. BROWN: Aye.</p> <p>15 CLERK: Brown, aye. Clark?</p> <p>16 SEN. CLARK: Aye.</p> <p>17 CLERK: Clark, aye. Harrington?</p> <p>18 SEN. HARRINGTON: Aye.</p> <p>19 CLERK: Harrington, aye. Hise?</p> <p>20 SEN. HISE: Aye.</p> <p>21 CLERK: Hise, aye. Jackson?</p> <p>22 SEN. JACKSON: Aye.</p> <p>23 CLERK: Jackson, aye. Lee?</p> <p>24 SEN. LEE: Aye.</p> <p>25 CLERK: Lee, aye. McKissick?</p>
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<p>1 REP. DAVIS: Aye.</p> <p>2 CLERK: Davis, aye. Farmer-Butterfield?</p> <p>3 REP. FARMER-BUTTERFIELD: Aye.</p> <p>4 CLERK: Aye? Farmer-Butterfield, aye.</p> <p>5 Hager?</p> <p>6 SEN. RUCHO: Please speak loudly, folks.</p> <p>7 REP. HAGER: Aye.</p> <p>8 CLERK: Hager, aye. Hanes?</p> <p>9 REP. HANES: Aye</p> <p>10 CLERK: Hanes, aye. Hardister?</p> <p>11 REP. HARDISTER: Aye.</p> <p>12 CLERK: Hardister, aye. Hurley?</p> <p>13 REP. HURLEY: Aye.</p> <p>14 CLERK: Hurley, aye. Jackson?</p> <p>15 REP. JACKSON: Aye.</p> <p>16 CLERK: Jackson, aye. Johnson?</p> <p>17 REP. JOHNSON: Aye.</p> <p>18 CLERK: Johnson, aye. Jordan?</p> <p>19 REP. JORDAN: Aye.</p> <p>20 CLERK: Jordan, aye. McGrady?</p> <p>21 REP. MCGRADY: Aye.</p> <p>22 CLERK: McGrady, aye. Michaux?</p> <p>23 REP. MICHAUX: No.</p> <p>24 CLERK: Michaux, no. Moore?</p> <p>25 REP. MOORE: Aye.</p>	<p>1 SEN. MCKISSICK: Aye.</p> <p>2 CLERK: McKissick, aye. Randleman?</p> <p>3 SEN. RANDLEMAN: Aye.</p> <p>4 CLERK: Randleman, aye. Sanderson?</p> <p>5 SEN. SANDERSON: Aye.</p> <p>6 CLERK: Sanderson, aye. Smith?</p> <p>7 SEN. SMITH: Aye.</p> <p>8 CLERK: Smith, aye. Smith-Ingram?</p> <p>9 SEN. SMITH-INGRAM: Aye.</p> <p>10 CLERK: Smith-Ingram, aye. Wells?</p> <p>11 SEN. WELLS: Aye.</p> <p>12 CLERK: Wells, aye.</p> <p>13 SEN. RUCHO: Members of the committee,</p> <p>14 after a roll-call vote, 32 aye and 1 no, so</p> <p>15 therefore, that has been settled. Senator Hise, do</p> <p>16 we have language?</p> <p>17 SEN. HISE: I think we have two</p> <p>18 amendments.</p> <p>19 SEN. RUCHO: Two amendments?</p> <p>20 SEN. HISE: Yeah.</p> <p>21 SEN. RUCHO: All right. Are you going to</p> <p>22 present it, or staff?</p> <p>23 SEN. HISE: I can present them. I think</p> <p>24 staff's going to read them. The first one is to</p> <p>25 clarify the payments made for work performed.</p>

<p style="text-align: right;">162</p> <p>1 SEN. RUCHO: Let's pay attention, here. 2 I know we're moving forward. Go ahead, please. 3 SEN. HISE: The first is to add some 4 clarification for the -- to allow payments for work 5 performed prior to the stay. 6 SEN. RUCHO: All right. First -- the 7 first amendment, Ms. Churchill, would you explain 8 what that amendment says and what it does? 9 MS. CHURCHILL: Yes, Mr. Chair. The 10 amendment would be to the end, to the last sentence 11 of Paragraph 2 and Paragraph 3 of Senator Hise's 12 motion. It would remove the period at the end of 13 that sentence, inset a semicolon, and all of the 14 following at the end of each sentence: "Provided, 15 however, this authorization shall permit 16 compensation to be paid for any work performed 17 prior to the issuance of such stay." 18 SEN. RUCHO: Members of the committee, 19 you have that before you. Is there any questions 20 on that first amendment that has been put forward 21 by Senator Hise on trying to provide some clarity 22 in what was brought up by Senator Blue? 23 Representative Jackson? 24 REP. JACKSON: Thank you, Mr. Chairman. 25 Would that -- that would amendment allow payment</p>	<p style="text-align: right;">164</p> <p>1 CLERK: Hager, yes. Hanes? 2 REP. HANES: Yes. 3 CLERK: Hanes, yes. Hardister? 4 REP. HARDISTER: Aye. 5 CLERK: Hardister, aye. Hurley? 6 REP. HURLEY: Aye. 7 CLERK: Hurley, aye. Jackson? 8 REP. JACKSON: Yes. 9 CLERK: Jackson, yes. Johnson? 10 REP. JOHNSON: Aye. 11 CLERK: Johnson, aye. Jordan? 12 REP. JORDAN: Aye. 13 CLERK: Jordan, aye. McGrady? 14 REP. MCGRADY: Aye. 15 CLERK: McGrady, aye. Michaux? 16 REP. MICHAUX: Aye. 17 CLERK: Michaux, aye. Moore? 18 REP. MOORE: Aye. 19 CLERK: Moore, aye. Stam? 20 REP. STAM: Aye. 21 CLERK: Stam, aye. Stevens? 22 (No response.) 23 CLERK: Rucho? 24 SEN. RUCHO: Aye. 25 CLERK: Rucho, aye. Apodaca?</p>
<p style="text-align: right;">163</p> <p>1 for services provided prior to the approval of 2 this? 3 SEN. RUCHO: No, sir, I don't believe so. 4 REP. JACKSON: Thank you. 5 SEN. RUCHO: Yeah. Questions? Any 6 additional? 7 (No response.) 8 SEN. RUCHO: All right, we have an 9 amendment before us that was read by staff, and we 10 will ask the Clerk to have a roll-call vote on 11 that, please. 12 CLERK: Lewis? 13 REP. LEWIS: Aye. 14 CLERK: Lewis, aye. Jones? 15 REP. JONES: Aye. 16 CLERK: Jones, aye. Brawley? 17 REP. BRAWLEY: Aye. 18 CLERK: Brawley, aye. Cotham? 19 REP. COTHAM: Aye. 20 CLERK: Cotham, aye. Davis? 21 REP. DAVIS: Yes. 22 CLERK: Davis, yes. Farmer-Butterfield? 23 REP. FARMER-BUTTERFIELD: Yes. 24 CLERK: Farmer-Butterfield, yes. Hager? 25 REP. HAGER: Yes.</p>	<p style="text-align: right;">165</p> <p>1 SEN. APODACA: Aye. 2 CLERK: Apodaca, aye. Barefoot? 3 SEN. BAREFOOT: Aye. 4 CLERK: Barefoot, aye. Blue? 5 SEN. BLUE: Aye. 6 CLERK: Blue, aye. Brown? 7 SEN. BROWN: Aye. 8 CLERK: Brown, aye. Clark? 9 SEN. CLARK: Aye. 10 CLERK: Clark, aye. Harrington? 11 SEN. HARRINGTON: Aye. 12 CLERK: Harrington, aye. Hise? 13 SEN. HISE: Aye. 14 CLERK: Hise, aye. Jackson? 15 SEN. JACKSON: Aye. 16 CLERK: Jackson, aye. Lee? 17 SEN. LEE: Aye. 18 CLERK: Lee, aye. McKissick? 19 SEN. MCKISSICK: Aye. 20 CLERK: McKissick, aye. Randleman? 21 SEN. RANDLEMAN: Aye. 22 CLERK: Randleman, aye. Sanderson? 23 SEN. SANDERSON: Aye. 24 CLERK: Sanderson, aye. Smith? 25 SEN. SMITH: Aye.</p>

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<p>1 CLERK: Smith, aye. Smith-Ingram? 2 SEN. SMITH-INGRAM: Aye. 3 CLERK: Smith-Ingram, aye. Wells? 4 SEN. WELLS: Aye. 5 CLERK: Wells, aye. 6 SEN. RUCHO: Members of the committee, 7 we -- okay. Members of the committee, Amendment 1, 8 which was read by staff, was agreed upon 9 unanimously, 33 to zero. 10 Senator Hise, Amendment Number 2? 11 SEN. HISE: Thank you, Mr. Chairman. 12 This was with some further consultation with 13 Senator Blue, and clarifies for a legislative 14 confidentiality amendment when that applies, and 15 applies to once it's submitted to this committee, 16 and she has specific language they can read. 17 SEN. RUCHO: Ms. Churchill, can you read 18 the clarifying language there, please? 19 MS. CHURCHILL: Yes, sir. In Paragraph 20 2, this new sentence would be inserted at the -- 21 following the first sentence. "The co-chairs shall 22 control legislative confidentiality of any drafting 23 requests or maps produced from this authority 24 unless and until presented to the committee in the 25 co-chairs' discretion."</p>	<p>1 CLERK: Farmer-Butterfield, yes. Hager? 2 REP. HAGER: Yes. 3 CLERK: Hager, yes. Hanes? 4 REP. HANES: Yes. 5 CLERK: Hanes, yes. Hardister? 6 REP. HARDISTER: Aye. 7 CLERK: Hardister, aye. Hurley? 8 REP. HURLEY: Aye. 9 CLERK: Hurley, aye. Jackson? 10 REP. JACKSON: Yes. 11 CLERK: Jackson, yes. Johnson? 12 REP. JOHNSON: Aye. 13 CLERK: Johnson, aye. Jordan? 14 REP. JORDAN: Aye. 15 CLERK: Jordan, aye. McGrady? 16 REP. MCGRADY: Aye. 17 CLERK: McGrady, aye. Michaux? 18 REP. MICHAUX: Yes. 19 CLERK: Michaux, yes. Moore? 20 REP. MOORE: Aye. 21 CLERK: Moore, aye. Stam? 22 REP. STAM: Aye. 23 CLERK: Stam, aye. Rucho? 24 SEN. RUCHO: Aye. 25 CLERK: Rucho, aye. Apodaca?</p>
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<p>1 For Paragraph 3, this sentence would be 2 inserted after -- following the first sentence: 3 "The minority caucus' designee, Senator Blue, shall 4 control legislative confidentiality of any drafting 5 requests or maps produced from this authority 6 unless and until presented to the committee in 7 Senator Blue's discretion." 8 SEN. RUCHO: Members of the committee, 9 you have that before you. Any questions or 10 comments? 11 (No response.) 12 SEN. RUCHO: Seeing -- seeing none, Mr. 13 Clerk, would you do the roll call? 14 CLERK: Lewis? 15 REP. LEWIS: Aye. 16 CLERK: Lewis, aye. Jones? 17 REP. JONES: Aye. 18 CLERK: Jones, aye. Brawley? 19 REP. BRAWLEY: Aye. 20 CLERK: Brawley, aye. Cotham? 21 REP. COTHAM: Aye. 22 CLERK: Cotham, aye. Davis? 23 REP. DAVIS: Yes. 24 CLERK: Davis, yes. Farmer-Butterfield? 25 REP. FARMER-BUTTERFIELD: Yes.</p>	<p>1 SEN. APODACA: Aye. 2 CLERK: Apodaca, aye. Barefoot? 3 SEN. BAREFOOT: Aye. 4 CLERK: Barefoot, aye. Blue? 5 SEN. BLUE: Aye. 6 CLERK: Blue, aye. Brown? 7 SEN. BROWN: Aye. 8 CLERK: Brown, aye. Clark? 9 SEN. CLARK: Aye. 10 CLERK: Clark, aye. Harrington? 11 SEN. HARRINGTON: Aye. 12 CLERK: Harrington, aye. Hise? 13 SEN. HISE: Aye. 14 CLERK: Hise, aye. Jackson? 15 SEN. JACKSON: Aye. 16 CLERK: Jackson, aye. Lee? 17 SEN. LEE: Aye. 18 CLERK: Lee, aye. McKissick? 19 SEN. MCKISSICK: Aye. 20 CLERK: McKissick, aye. Randleman? 21 SEN. RANDLEMAN: Aye. 22 CLERK: Randleman, aye. Sanderson? 23 SEN. SANDERSON: Aye. 24 CLERK: Sanderson, aye. Smith? 25 SEN. SMITH: Aye.</p>

<p style="text-align: right;">170</p> <p>1 CLERK: Smith, aye. Smith-Ingram? 2 SEN. SMITH-INGRAM: Aye. 3 CLERK: Smith-Ingram, aye. Wells? 4 SEN. WELLS: Aye. 5 CLERK: Wells, aye. 6 SEN. RUCHO: Members of the committee, 7 the roll-call vote was 33 aye, zero nay. 8 Now, what you have before you is a motion 9 set forth by Senator Hise which has been amended, 10 and now it's before you for any further discussion 11 or questions, and if there are none, then we will 12 take a vote to adopt Senator Hise's motion. 13 Thoughts, questions? 14 (No response.) 15 SEN. RUCHO: Seeing none, Mr. Clerk, a 16 vote, please? 17 CLERK: Lewis? 18 REP. LEWIS: Aye. 19 CLERK: Lewis, aye. Jones? 20 REP. JONES: Aye. 21 CLERK: Jones, aye. Brawley? 22 REP. BRAWLEY: Aye. 23 CLERK: Brawley, aye. Cotham? 24 REP. COTHAM: No. 25 CLERK: Cotham, no. Davis?</p>	<p style="text-align: right;">172</p> <p>1 CLERK: Stam, aye. Rucho? 2 SEN. RUCHO: Aye. 3 CLERK: Rucho, aye. Apodaca? 4 SEN. APODACA: Aye. 5 CLERK: Apodaca, aye. Barefoot? 6 SEN. BAREFOOT: Aye. 7 CLERK: Barefoot, aye. Blue? 8 SEN. BLUE: No. 9 CLERK: Blue, no. Brown? 10 SEN. BROWN: Aye. 11 CLERK: Brown, aye. Clark? 12 SEN. CLARK: No 13 CLERK: Clark, no. Harrington? 14 SEN. HARRINGTON: Aye. 15 CLERK: Harrington, aye. Hise? 16 SEN. HISE: Aye. 17 CLERK: Hise, aye. Jackson? 18 SEN. JACKSON: Aye. 19 CLERK: Jackson, aye. Lee? 20 SEN. LEE: Aye. 21 CLERK: Lee, aye. McKissick? 22 SEN. MCKISSICK: No. 23 CLERK: McKissick, no. Randleman? 24 SEN. RANDLEMAN: Aye. 25 CLERK: Randleman, aye. Sanderson?</p>
<p style="text-align: right;">171</p> <p>1 REP. DAVIS: Yes. 2 CLERK: Davis, yes. Farmer-Butterfield? 3 REP. FARMER-BUTTERFIELD: No. 4 CLERK: Farmer-Butterfield, no. Hager? 5 REP. HAGER: Aye. 6 CLERK: Hager, aye. Hanes? 7 REP. HANES: No. 8 CLERK: Hanes, no. Hardister? 9 REP. HARDISTER: Aye. 10 CLERK: Hardister, aye. Hurley? 11 REP. HURLEY: Aye. 12 CLERK: Hurley, aye. Jackson? 13 REP. JACKSON: No. 14 CLERK: Jackson, no. Johnson? 15 REP. JOHNSON: Aye. 16 CLERK: Johnson, aye. Jordan? 17 REP. JORDAN: Aye. 18 CLERK: Jordan, aye. McGrady? 19 REP. MCGRADY: Aye. 20 CLERK: McGrady, aye. Michaux? 21 REP. MICHAUX: No. 22 CLERK: Michaux, no. Moore? 23 REP. MOORE: Nay. 24 CLERK: Moore, nay. Stam? 25 REP. STAM: Aye.</p>	<p style="text-align: right;">173</p> <p>1 SEN. SANDERSON: Aye. 2 CLERK: Sanderson, aye. Smith? 3 SEN. SMITH: No. 4 CLERK: Smith, no. Smith-Ingram? 5 SEN. SMITH-INGRAM: No. 6 CLERK: Smith-Ingram, no. Wells? 7 SEN. WELLS: Aye. 8 CLERK: Wells, aye. 9 SEN. RUCHO: Okay, members of the 10 committee, when that motion was up for adoption as 11 amended, we have 22 aye and 11 no. I believe that 12 we have concluded our business for today. 13 SEN. BLUE: Just a request, Mr. Chair. 14 SEN. RUCHO: Senator Blue? 15 SEN. BLUE: As I prepare to do this, 16 could you have the Clerk make available to me his 17 roll-call votes on these items, since it's all 18 official now? 19 SEN. RUCHO: That can be done. 20 SEN. BLUE: Thank you. 21 SEN. RUCHO: Okay. Senator Blue requests 22 that he gets a copy of the roll-call votes. Thank 23 you. 24 Before we finish up, let me just make it 25 clear. Now that we have criteria established, and</p>

<p style="text-align: right;">174</p> <p>1 understanding that there is access to computers and 2 the necessary resources to accomplish that, I'm 3 sure that the map drawers will do their job, come 4 forward with a map. We will possibly have a 5 meeting tomorrow. The chairs will allow you 6 notice. We're going to need to give the map 7 writers -- or drawers a chance to do their work. 8 We are also waiting for a decision by the Supreme 9 Court on the motion for stay to allow that election 10 to take place in an orderly manner, without any 11 voter dysfunction, so we will let you know at what 12 time tomorrow, or whether we will be meeting 13 tomorrow. 14 REP. STAM: Mr. Chair? 15 SEN. RUCHO: Sir? 16 REP. STAM: What is the earliest we would 17 be -- I mean, can we block out the morning for real 18 work, other work? 19 SEN. RUCHO: I think to give sufficient 20 time for map drawers to work, I think we would be 21 looking at -- the earliest would be 1:00. Okay? 22 Members of the committee, any questions on what was 23 discussed? 24 (No response.) 25 SEN. RUCHO: You all know what we've got,</p>	<p style="text-align: right;">176</p> <p>STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATE I, Carol M. Smith, a duly commissioned Notary Public in and for the State of North Carolina, do hereby certify that on February 16, 2016, this proceeding was held before me, this proceeding being reported by me verbatim and then reduced to typewritten form under my direct supervision; that the foregoing is a true and correct transcript of said proceedings to the best of my ability and understanding; that I am not related to any of the parties to this action; that I am not interested in the outcome of this case; that I am not of counsel nor in the employ of any of the parties to this action. IN WITNESS WHEREOF, I have hereto set my hand, this the 29th day of February, 2016. _____ Notary Public Carol M. Smith Notary Number 19943320153</p>
<p style="text-align: right;">175</p> <p>1 so stay tuned, and thank you for your quick 2 response. Meeting adjourned. 3 (WHEREUPON, THE MEETING WAS CONCLUDED AT 1:43 P.M.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	